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GOVERNMENT OF INDIA
LAKSHADWEEP ADMINISTRATION
DEPARTMENT OF COOPERATION)
UNION TERRITORY OF LAKSHADWEEP
KAVARATTI ISLAND - 682 555

Dated: 04-11-2023

NOTIFICATION

F. No. 41/4/2022-Coop:- In exercise of the powers conferred by sub-section (1) of Section 139 of the Lakshadweep Co-operative Societies Regulation, 2022 and all other powers enabling it in this behalf, the Administrator hereby make the following rules, namely: -

Chapter I Preliminary

1 Short title: -

- (1) These rules may be called the Lakshadweep Cooperative Societies Rules, 2023.
- (2) They shall extend to the whole of the Union Territory of Lakshadweep.
- (3) This shall come into force with effect from the date of Notification in the official Gazette.

Short title

2 Definitions: - In these rules, unless the context otherwise, requires. -

- (1) "Adjudicating authority" means in relation to any dispute under this Regulation, the Registrar or his nominee or board of nominees appointed for the settlement of such dispute under the Regulation;
- (2) "Co-operative year" means a year ending on the 31st day of March or on such other day in regard to a particular society or class of societies as may have been fixed by the Registrar, from time to time for balancing its or their accounts;
- (3) "decree" means any decree of a Civil Court, and includes any order, decision or award referred to sub-section (1) of section 132;
- (4) "decree-holder" means any society or any person (including the government) holding a decree;
- (5) "defaulter" means any society against which or any person against whom, a decree has been obtained;
- (6) "form" means different forms appended to these rules;
- (7) "recovery Officer" means a person subordinate to Registrar who is empowered to exercise the powers of the Registrar under section 132;

Definition

- (8) "Regulation" means the Lakshadweep Co-operative Societies Regulation, 2022;
- (9) "sale Officer" means an officer of the Administration empowered by the Registrar by a general or special order to attach and sell the property of defaulter or to execute any decree by attachment and sale under
- (10) "schedule" means schedule appended to these rules;
- (11) "section" means a section of the Lakshadweep Co-operative Societies Regulation, 2022;
- (12) "working capital" means funds at the disposal of a society inclusive of paid-up share capital, funds built out of profits, and money raised by borrowing and by other means;

CHAPTER II Registration

3 Application for registration:

Every application for registration of a society under sub-section (1) of section 8 shall be in **Form A** and shall be accompanied by-

Application for
registration

- (1) a certificate, from the bank or banks stating the credit balance in favour of the proposed society therein;
- (2) a list of persons who have contributed to the share capital together with the amount contributed by each of them, and the entrance fee paid by them;
- (3) the scheme showing the details explaining how the working of the society will be economically sound and where the scheme envisages the holding of immovable property by the society, the description of immovable property proposed to be purchased acquired or transferred to the society;
- (4) such other documents as may be specified in the model bye-laws, if any, framed by the Registrar.
- (5) Any other documents specified by the Registrar from time to time.

4 Bye-laws and model bye-laws: (1) With every application for registration, the applicant shall submit a draft of the bye-laws agreed upon by them. The bye-laws shall be consistent with the Regulation and these rules. The Registrar may require a society to make bye-laws in respect of all or any of the following matters, that is to say-

Bye-laws and
model bye-laws

- (a) the name and address of the society and its branches, if any, however, the name does not refer to any caste or religious denomination and is not inconsistent with the objects of society;
- (b) the area of its operation;
- (c) the objects of the society and its liability limited or unlimited;
- (d) the manner in which and the limit up to which the funds of the society may be raised, the maximum share capital which any one member may hold and the purpose to which the funds would be made applicable;
- (e) the circumstances under which the society may borrow funds and the procedure to be followed is such borrowing;
- (f) the terms and qualifications for admission to membership;

- (g) the class or occupation of its members, if membership is proposed to be so restricted;
- (h) the rights and liabilities and the consequences of default in payment of any sum due by a member;
- (i) payments and acquisition of interest in the society before the rights of membership are exercised by the member;
- (j) the circumstances under which withdrawal from membership shall be permitted;
- (k) the procedure to be followed in cases of withdrawal, ineligibility and death of members;
- (l) the mode of conducting business, purchase, sale, stock-taking and other like matters;
- (m) the privileges, rights and liabilities of nominal, associate and sympathizer member;
- (n) the conditions, if any, under which the transfer of share or interest of a member may be permitted;
- (o) the entrance and other fees and the fines, if any, to be collected from members;
- (p) the maximum loan admissible to a member and the procedure to be followed in granting loans and extension of time for the repayment or renewals thereof, and in recovering loans from members;
- (q) the method of appropriating payments made by members from whom moneys are due;
- (r) voting rights of individual members in a federal society;
- (s) the constitution of the Managing Committee and its powers and duties;
- (t) the constitution of other bodies of the society as provided in the Regulation, these rules and the Bye-laws.
- (u) the election of delegates of individual members;
- (v) restrictions on borrowing from members and non-members;
- (w) the manner in which the loss of the society will be determined and its re-imbursement by the member who has not disposed of his produce through the society and who is found, guilty of a breach of the bye-laws or of any such contract;
- (x) the scale of remuneration to be paid to a member who has rendered any service to the society;
- (y) appropriation of profit for any other purpose which is not prescribed in sub-section (3) of section 57;
- (z) the mode of custody and investments of funds;
- (aa) the manner in which penalty should be levied on a member who is found to be guilty of breach of bye-laws;
- (bb) the authorisation of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society;
- (cc) the procedure to be followed in purchasing and selling of raw materials and finished products and in stock-taking;

- (dd) the method of recruitment, the conditions of service and the authority competent to fix, revise or regulate the scales of pay and allowances of paid officers and servants of the society and the procedure to be followed in the disposal, of disciplinary cases against them;
 - (ee) the manner of summoning general meetings under section 75 and section 76, notice period, quorum and the manner of making, altering or abrogating bye-laws;
 - (ff) the number of members required for the requisition of a special general meeting;
 - (gg) the disposal of surplus assets of the society under section 115;
- (2) (a) It shall be competent to the Registrar to frame model bye-laws for each class or classes of societies and to suggest modifications thereto from time to time.
- (b) Such model bye-laws shall be adopted by a society with such modifications, if any, as may be suggested by the society and agreed to by the Registrar.

5 Registration: -

- (1) On receipt of an application under Rule 3, the Registrar shall enter particulars of the application in the register of application to be maintained in **Form 'B'**, give a serial number to the application, and issue a receipt in acknowledgement thereof.
- (2) The Registrar may give, wherever necessary, opportunity to the promoters to modify the proposed bye-laws before finally registering the society or rejecting the application for registration of the society.
- (3) The Registrar may before passing final orders, call for such further information or make such inquiry as he may deem necessary. It shall also be competent to the Registrar before registering a society to make such alterations in the draft by-laws submitted with the application for registration as he may deem advisable, provided that the written consent of the applicants is obtained to such alterations.
- (4) On registering a society and its bye-laws under sub-section (1) of Section 9, the Registrar shall grant to the society, a certificate of registration signed by him and bearing his official seal and containing the registration number of the society, and the date of its registration. The Registrar shall also furnish the society with a certified copy of the bye-laws approved and registered by him in **Form 1B**.
- (5) The period for the purpose of amendment of bye-laws under clause (b) of sub-section (1) of section 9 shall be three months from the date of the order of the Registrar under the said clause (b).
- (6) Notwithstanding anything contained in sub-section (4) of section 9, where the Registrar is satisfied that the original registration certificate is

Registration

irrecoverably lost and the duplicate certificate could not be issued as the files or records regarding the registration of the co-operative society was lost, after registration, the Registrar shall issue a certificate in **Form 2 B** stating the registration number and date of registration of a co-operative society, on the basis of the details available in the audit certificate and the records available with the Registrar, signed and sealed by him, which shall be conclusive proof that the said society is duly registered and it shall be treated as a certificate of registration

Manner of
issuing
Certificate if the
registration
certificate is
irrecoverable
lost

- 6 Refusal of Registration:** - Where any society does not furnish the information in regard to the society as required by the Registrar or fulfils any of the conditions laid down in the Regulation or these rules, the Registrar may refuse to register that society.

Refusal of
Registration

7 Maintenance of register:

- (1) The register to be maintained by the Registrar under section 10 shall be in **Form C**.
- (2) The Registrar shall assign for each class or sub-class of societies, a code of symbol, for giving registration number to the societies and the societies shall be registered from the dates specified by him.

Maintenance of
register

8 Amendment of bye-laws:

- (1) Bye-laws may be made, altered or abrogated by a resolution passed at a general meeting of the society held for that purpose.
- (2) The society shall give due notice in accordance with its bye-laws to all the members for considering any amendment thereof in accordance with the bye-laws of the society.
- (3) The resolution is passed by not less than two thirds of the members present, and voting at the general meeting at which a quorum shall be present or at an adjourned general meeting at which if a quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall form quorum.
- (4) After the resolution is passed, a proposal shall, within a period of two months from the date of the general meeting at which the resolution was passed, be furnished to the Registrar along with, -
- (a) a copy of the relevant bye-laws in force with amendments proposed to be made in pursuance of the resolution, together with reasons justifying such amendments;
- (b) a copy of resolution passed in the general meeting;

Amendment of
bye-laws

- (c) four copies of the text of the bye-laws as it would stand after amendment, signed by the officers duly authorised in this behalf by the committee of the society;
 - (d) a copy of the notice given to the members of the society of the proposal to amend the bye-law;
 - (e) such other information as may be required by the Registrar.
- (5) On receipt of the proposal referred to in sub-rule (4), the Registrar shall examine the amendment proposed by the society and if he is satisfied that the amendment is not contrary to the Regulation or these rules and is in the interest of the society and co-operative movement, he may register the amendment and issue to the society a copy of the amendment certified by him under sub-section (4) of Section 13. Where the Registrar is of opinion that the proposed amendment may be accepted subject to any modification, he may indicate to the society such modification after explaining in writing his reasons therefor.
- (6) The Registrar shall dispose of the application within two months from the date of the receipt of the proposal of amendment of bye-laws.

9 The manner of calling upon a society to make amendments to bye-laws under section 14:

- (1) For the purposes of sub-section (1) of section 14, the Registrar may call upon a society to make the amendment by serving upon it a notice in **Form D** call upon a society to make such amendment to the bye-laws of the society as he considers to be necessary or desirable in its interest, within a period not exceeding two months from the date of service of notice. Such notice shall contain a draft of the amendment proposed by the Registrar.
- (2) The society thereupon shall call a special general meeting for the purpose of such amendments and if the amendments are approved by the special general meeting it shall be forwarded to the Registrar who shall register the amendment and issue to the society a certified copy thereof.

The manner of calling upon a society to make amendments to bye-laws under section 14

10 Change in name of society: -

- (1) The name of a society may be changed under Section 15 so however that it does not refer to any caste or religious denomination and is not inconsistent with the objects of society.
- (2) Every change in the name of a society shall be made by an amendment of its bye-laws.
- (3) After the change in the name is approved by the Registrar, the society shall send the original registration certificate for amendment to the Registrar, who shall return the same to the society duly amended.

Change in name of society

- (4) The Registrar shall enter the new name in the register of societies maintained by him.

11 Procedure for obtaining sanction under section 17(1):

- (1) Where a society proposes to amalgamate itself with another society or to transfer its assets and liabilities, in whole or in part to any other society or to divide itself into two or more societies or to convert itself into another class of society or to change its object, it shall prepare a draft scheme in that behalf having regard to the provisions of sub-section (2) of section 17 and place the same before a special general meeting of its members.
- (2) If the special general meeting approves the draft scheme, with or without modifications by a resolution passed by two thirds majority of the members present and voting at the meeting, the society shall forward a copy of the resolution and a copy of the draft scheme as approved by the special general meeting to the Registrar requesting him to accord his sanction to the proposal.
- (3) If the Registrar accords his previous sanction to the proposal, the society shall proceed to take further steps in accordance with the provisions of section 17.

Procedure for
obtaining
sanction under
section 17(1)

12 Direction by Registrar for amalgamation or re-organisation of societies: -

- (1) Before issuing any order under sub-section (1) of Section 18 providing for the amalgamation or re organisation of any society or societies, the Registrar shall prepare a draft scheme in respect of such amalgamation or re organisation stating in particular the manner in which the new committee or committees, of the society or societies resulting from such amalgamation or re organisation shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall then consult the federal society and after considering the suggestions, if any, that will be made by such federal society, shall send a copy of the draft of the order proposed to be issued by him under sub-section (1) of Section 18, to the society or each of the societies concerned calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditor or class of creditors and to submit such objections and suggestions together with its own or their own suggestions and objections within a period of not less than two months from the date on which the copy of the draft aforesaid was received by it or them.
- (2) The Registrar shall consider all such suggestions and objections and make such modifications in the draft order as may seem to him desirable in the light of those suggestions or objections and then issue a final order under clause (b) of sub-section (3) of Section 18.

Direction by
Registrar for
amalgamation
or re
organisation of
societies

- (3) Any member or creditor of each of the societies to be amalgamated or reorganised, who has objected to the scheme of amalgamation or reorganisation within the period specified in sub-rule (3), may apply to the Registrar for payment of his share or interest, if he be a member, and the amount in satisfaction of his dues, if he be a creditor, such application shall be separate and distinct from the objection or suggestion which he may have submitted to the society or the Registrar under clause (b) of sub-section (3) of Section 18. It shall be competent for the Registrar to nominate an officer to investigate such applications and to determine the payments required to be made to the members or creditors, as the case may be.
- (4) Subject to the provisions of the Regulation, these rules and the bye-laws, the Registrar may by order require the society concerned to meet in full or satisfy otherwise all due claims of the members and creditors and thereupon the society shall be bound to meet in full or satisfy otherwise all due claims of the members and creditors within such time as may be specified by the Registrar in the order.

13 Reconstruction of a Society:

- (1) An application for reconstruction of a society under section 20 may be made in **Form E**. On receipt of such application the Registrar may, taking into consideration the compromise or arrangement for reconstruction of the society if he thinks fit, prepare a draft order indicating:
- (a) the manner in which the amounts payable by the society to its creditors should be paid and the amounts recoverable from its debtor members should be recovered;
 - (b) the manner in which the share capital, if any, of such members should be reduced;
 - (c) the manner in which the scheme of reconstruction should be implemented: and
 - (d) the manner in which the bye-laws of the society will stand amended in order to give effect to the scheme of reconstruction.

Reconstruction
of a Society

A copy of the draft order shall be exhibited on the notice board of the society and of the Registrar's office inviting objections and suggestions from all those interested within a specified time, which shall not exceed one month.

- (2) After taking into consideration the objections and suggestions if any received, the Registrar may issue an order approving such reconstruction or staying further proceedings in respect of such reconstruction. On issue of an order approving the reconstruction, the society shall stand reconstructed and the bye-laws of the society shall stand modified to that effect and to that extent.

14 Manner of issue of public notice of the proceedings of de-registration of society: -

- (1) Where the number of members of the society is so large and it is not possible to ascertain the correct addresses of all such members from the records of the office of the Registrar, and in the opinion of the Registrar it is not practicable to serve notice of hearing on each such individual member as contemplated under the sub-section (1) of Section 22, a public notice of the proceedings of the de-registration of society shall be published in any local newspapers having wide circulation in that locality in which the registered office of the society proposed for de-registration is situated, and of which at least one shall be in the regional language. A copy of the said public notice shall be sent to the registered address of the society by registered post acknowledgement due together with the directives to display it in the office of the society. Such copy of the notice shall also be displayed on the notice board in the office of the Registrar. If the notice sent by such registered post is returned undelivered, the notice shall be treated as having been duly served.
- (2) Such public notice shall contain, amongst others, the following details, namely, —
 - (a) the reasons for initiating the proceedings for de-registration of the society;
 - (b) the date by which any aggrieved person may submit his written statements as to why the proposed action should not be taken;
 - (c) the date on which and the place where the Registrar shall give an opportunity of being heard to any aggrieved person;
 - (d) the proposed action contemplated under the provisions of sub-sections (2) Section 22.

Manner of issue
of public notice
of the
proceedings of
de-registration
of society

15 Conditions for realising the assets and liquidating the liabilities of the de-registered society by the Official Assignee: -

- (1) The Official Assignee shall work under the general control, superintendence, and directions of the Registrar.
- (2) He shall have the following powers for the purposes of realising the assets and for liquidating the liabilities of society which is de-registered under the provisions of sub-section (1) of Section 22 namely. —
 - (a) he shall have powers to institute and defend any suit and other legal proceedings, civil and criminal, on behalf of the de-registered society in the name of his office;
 - (b) to carry on the business of the society, so far as may be necessary for the beneficial completion of the de-registration proceedings;

Conditions for
realising the
assets and
liquidating the
liabilities of the
de-registered
society by the
Official
Assignee

- (c) to sell such immovable and movable property and actionable claims of the de-registered society generally by public auction or in exceptional cases by private contract with prior approval of the Registrar;
- (d) to investigate all the claims against the de-registered society and subject to the provisions of the Regulation, to decide questions of priority arising out of such claims and to pay any class or classes of creditors in full or retable according to the amount of such debts. However, the Official Assignee shall pay all the liabilities in the following priority, namely—
- (i) his salaries, remuneration, allowances, and other claims;
 - (ii) wages and other payments to be made to the employees of the deregistered society including arrears;
 - (iii) expenses required for beneficial completion of de-registration proceedings;
 - (iv) taxes, charges, fees and revenues, etc. payable under any other law for the time being in force and such other dues which are recoverable as arrears of land revenue;
 - (v) any dues payable under the decree of any Court;
 - (vi) deposits;
 - (vii) loans payable to Government of India;
 - (viii) loans payable to the Union Territory;
 - (ix) any other dues payable to the Government of India;
 - (x) any other dues payable to the Union Territory;
 - (xi) loans guaranteed by the Government of India;
 - (xii) loans guaranteed by the Union Territory;
 - (xiii) secured loans;
 - (xiv) unsecured loans;
 - (xv) shares of Government of India;
 - (xvi) shares of the Union Territory;
 - (xvii) shares of any financial institution;
 - (xviii) shares of Co-operative Societies;
 - (xix) shares of other body corporates;
 - (xx) shares of members.

- (e) to make any compromise or arrangement, with creditors or persons claiming to be the creditors of having or alleging themselves to have any claims, present or future, whereby he may be rendered liable;
 - (f) to compromise all calls, or liabilities to calls, and debts and liabilities capable of resulting in debts, and all claims present or future, certain or contingent, subsisting or supposed to subsist between him and contributory or alleged contributory or other debtors or person apprehending liability to him and all questions in any way relating to or affecting the assets of de-registration proceedings on such terms as may be agreed, and to take any security for the discharge of any such calls, liability, debt or claim and give a complete discharge in respect thereof;
 - (g) to determine from time to time, after giving an opportunity to answer the claims, the contribution to be made, or remaining to be made by the members or past members of the de-registered society or by the estates, nominees, heirs or legal representatives of the deceased members of deregistered society, or by the officer, past officer of the estate or nominee, heirs or legal representatives of deceased officer to the assets of de-registered society, such contribution being inclusive of debts and dues from such members or officers of the de-registered society;
 - (h) to determine from whom and in what proportion the cost of de-registration and that of the proceedings of de-registration shall be borne;
 - (i) to fix the time or times within which the creditors shall prove their debts and claims;
 - (j) to summon and enforce the attendance of witnesses and to compel the production of any books, accounts, documents/securities, cash or other properties belonging to the society de-registered which have vested in him but are in the possession of any person or body corporate by same means and in the same manner as provided in the case of civil case under the Code of Civil Procedure. 1908;
 - (k) to do all acts and to execute in his name on behalf of the society deregistered all deeds, receipts and other documents as may be necessary for finalisation of proceedings of de-registration.
- (3) Immediately on his appointment, the Official Assignee shall proceed to realise the assets of the society de-registered by sale or otherwise and liquidate the liabilities.
- (4) The Official Assignee, during the tenure of office, present accounts of his receipts, not less than twice in each year, to the Registrar. The Registrar shall cause the accounts to be audited in such manner as he thinks fit and for the purpose of audit, the Official Assignee shall furnish to the Registrar with such accounts and information as he or the person appointed by him, may require.

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- (5) The Official Assignee shall on demand and on payment of such fee as he may determine supply a copy of audited account to contributory.
 - (6) The Official Assignee shall pay such fees as the Registrar may direct for the audit of accounts and books kept by him or by the society de-registered.
 - (7) He shall be held liable for any irregularities which might be discovered in the course or as a result of audit or otherwise in respect of transaction subsequent to his taking over the charge as Official Assignee and may be proceeded against as if it were an act against which action should be taken under Section 93. Provided that no such action shall be taken unless the irregularities have caused or likely to cause the loss, damage and have occurred due to gross negligence or an act of omission or commission in carrying out duties and functions assigned to him.
 - (8) He shall, after settling assets and liabilities of the society de-registered as they stood on the date of his appointment, proceed to determine the contribution to be made or remaining to be made to the assets of the society de-registered by any person and the property of such person and call upon each of them by order to pay the amount specified in such order as contribution and as cost of the proceedings after de-registration as determined under this rule after approval of the Registrar. Every such order shall be submitted for approval to the Registrar who may modify it or refer it back to the Official Assignee for further enquiry or further action.
 - (9) If the sum assessed against any person is not covered, the Official Assignee may issue subsidiary order or orders against any other person or persons to the extent of the liability of each for the debts of the society de-registered until the whole amount due from such person is recovered. The provision of foregoing rule shall mutatis mutandis apply to such order.
 - (10) He shall submit the progress report and such other reports and statements to the Registrar, as the Registrar may require.
 - (11) He may empower one or more persons by general or special order in writing to make collection and to grant valid receipts on his behalf.
 - (12) He shall have power to call meetings of creditors and contributories and it shall be obligatory on all such persons to attend such meetings.
 - (13) The Official Assignee may, at any time, be removed by the Registrar and he shall on such removal hand over all the property and documents to such persons as the Registrar may direct.
 - (14) The Official Assignee shall exercise only those powers under the Regulation and these rules as may be determined by the Registrar by

general or special order from time to time and in the manner and subject to the conditions he may impose.

- (15) He shall maintain such books and accounts as the Registrar may require him to keep.
- (16) He shall submit a final report to the Registrar. On acceptance of such report by the Registrar, the Official Assignee shall, within 30 days, arrange to transfer the entire surplus to the Registrar.
- (17) On the day of acceptance of final report of the Official Assignee by the Registrar, all the assets of the society de-registered shall stand vested in the Registrar and the liabilities, if any, remained to have been liquidated, shall stand liquidated.
- (18) After the Registrar accepts final report and the surplus is transferred to him, he may terminate the appointment of Official Assignee, and from the date of such order the person appointed as Official Assignee shall cease to function.
- (19) The Registrar shall fix the salary, remuneration and other allowances payable to the official assignee with reference to the nature and quantum of functions performed by him and any expenses of management which shall be payable out of the funds of the society.

16 Purposes for investment of surplus by the Registrar: -

The Registrar shall dispose of the surplus vested in him under Rule 15 in any manner at his discretion for the following purposes, namely, -

- (1) any object of public utility, welfare activity, education, relief to poor, medical relief and for any other charitable purpose defined in Section 2 of the Charitable Endowment Act, 1890;
- (2) any society registered with similar object which the society de-registered had.

Purposes for
investment of
surplus by the
Registrar

17 Procedure for obtaining sanction under section 24(1):

- (1) Where a society or societies enter into collaboration with any undertaking or any undertaking approved by the Administrator for carrying on any specific business or businesses, including industrial investment, financial aid or marketing and management expertise, it shall prepare a draft scheme in that behalf having regard to the provisions of sub-section (2) of section 24 and place the same before a special general meeting of its members.
- (2) If the special general meeting approves the draft scheme, with or without modifications by a resolution passed by two thirds majority of the members present and voting at the meeting, the society, or societies as the case may be, shall forward a copy of the resolution and a copy of the

Procedure for
obtaining
sanction under
section 24(1)

draft scheme as approved by the special general meeting to the Administrator requesting him to accord his sanction to the proposal.

- (3) If the Administrator accords his previous sanction to the proposal, the society shall proceed to take further steps in accordance with the provisions of section 24.

Chapter III

Rights and liabilities of Members

18 Conditions to be complied with for admission for membership, cessation of membership and restriction on membership, etc.-

- (1) No person shall be admitted as a member of a society unless-

- (a) he is not adjudicated a bankrupt or an insolvent or is an uncertificated bankrupt or is an undischarged insolvent; or
- (b) has not been sentenced for any offence involving moral delinquency; or
- (c) he is not a paid employee of the society or of its financing bank or of any society for which it is the financing bank;
- (d) he has applied in writing in the form laid down by the society or in the form specified by the Registrar, if any, for membership;
- (e) his application is approved by the committee;
- (f) he has fulfilled all other conditions laid down in the Regulation, these rules and the bye-laws;
- (g) in case of a co-operative society, firm, company or body corporate, society registered under the Societies Registration Act, 1860, a public trust registered under any law for the time being in force relating to registration of public trusts or a local authority, the application for membership is accompanied by a resolution authorising it to apply for such membership.

Conditions to be complied with for admission for membership, cessation of membership and restriction on membership, etc

- (2) Any member of a society shall cease to be a member of the society if he—

- (a) applies to be adjudicated, or is adjudicated a bankrupt or an insolvent; or
- (b) is sentenced for any such offence as is described in clause (b) of sub rule (1):

Provided that where a person ceases to be a member of a society under clause (b) he shall be restored to membership of the society if and when the sentence is annulled on appeal or revision; or

(c) becomes a paid employee of the society or its financing bank or of any society for which it is the financing bank.

(3) No society shall retain as member any of its paid employees or any paid employee of its financing bank or of the society for which it is the financing bank.

19 Procedure for tendering application to the Registrar for membership under section 27: -

(1) Where a society has refused to accept the application for membership from eligible person or refuse to issue application form to the eligible person, such person may tender an application to the Registrar in **Form F** together with requisite share money and entrance fee as provided in byelaws of the society concerned.

Procedure for
tendering
application to
the Registrar for
membership
under section
27

(2) The Registrar, on receipt of such application, shall forward the same to the society concerned together with requisite share money and entrance fee within thirty days from the date of its receipt.

(3) The Society shall take the decision and communicate the same to the applicant within three months from the date of receipt of such application as provided in sub-rule (2).

(4) In case the society refuses to admit the applicant as its member, it shall communicate the decision within the period of three months as mentioned in sub-rule (3) with reasons therefor and refund the share money and entrance fee with such communication, if appeal is not pending before the Registrar under sub-section (4) of section 27. If the society fails to refund the said amount, it shall be liable to pay interest at 15% per annum on the said amount from the date of such communication and the said amount if not paid, shall be recovered as arrears of land revenue.

20 When right of membership can be exercised:

Subject to the provisions of the Regulation, no person shall exercise the rights of a member of a society unless, -

- (1) he has paid an entrance fee as laid down in the bye-laws of the society;
- (2) he has subscribed for at least one share and made the payment towards the share money as laid down in the bye-laws of the society.
- (3) he has fulfilled all such conditions as are laid down in the byelaws of the society for exercising the rights of membership.

When right of
membership
can be
exercised

21 Voting rights of Individual members in a federal society:

(1) In the case of Federal Societies, the voting, rights of individual members (which term shall include a firm, company or body Corporate, society registered under the Societies Registration Act 1860 and the Union

Voting rights of
Individual

Territory Administration. But shall not include a Society) shall be regulated as follows:

members in a federal society

- (a) Every society through its properly authorised representative shall have one vote in the general meeting.
 - (b) The quorum for the meeting shall be one fifth of the total number of delegates or 25 whichever is less:
 - (c) The election of delegates shall be held in accordance with the provisions of the bye-laws.
 - (d) Any vacancy of a delegate caused on account of cessation of membership shall be filled by the delegates by co-opting one of the individual members.
- (2) A member specified as per sub rule (1) Rule (21) shall not be eligible for appointment as a member of the committee of a federal society unless he holds such number of shares in such society as may be fixed by the Registrar from time to time in consultation with the committee of such society.

22 Withdrawal of Membership: -

- (1) Subject to the provisions of the Regulation, these rules and the bye-laws of the society, a member may withdraw from the society after giving three months' notice to the society of his intention to resign his membership of the society.
- (2) No resignation of a membership shall be accepted by the society unless the member has paid in full, his dues, if any to the society and has also cleared his liability, if any, as surety to any other member or otherwise.
- (3) The maximum amount of share capital that can be refunded in a year shall not be exceed 10 per cent of the paid-up share capital of the society on the last day of the preceding year.
- (4) Any member, whose resignation has been accepted by the society, or any heir or legal representative of a deceased member, may demand refund of the share capital held by such member or deceased member and the society shall, subject to the provisions of the byelaws, refund the amount within three months from the acceptance of the resignation or, as the case may be, the date of demand made by the heir or legal representative of the deceased member.
- (5) In all the cases where share capital is to be refunded, valuation of the shares to be refunded shall be made in accordance with the provisions contained in rule 23.

Withdrawal of Membership

- ## **23 Valuation of shares: -**
- (1) Where a member of society ceases to be a member thereof, the sum representing the value of his share or interest in the share capital of the society to be paid to him or his nominee, heir or legal representative, or where the transfer of or charge on the share or interest of

Valuation of shares

a member in the capital of a society is intended to be made to the society, as the case may be, shall be ascertained in the following manner, namely, —

- (a) In the case of a society with unlimited liability, it shall be the actual amount received by the society in respect of such share or interest;
- (b) In the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet:

Provided that the amount so ascertained shall not exceed the actual amount received by the society in respect of such share or interest.

- (2) Where a person is allotted a share by a society, the payment required to be made therefor shall not exceed the face value of the share notwithstanding anything contained in the bye-laws of the society.
- (3) When a share is transferred by a member to another member duly admitted as a member of a society, the transferee shall not be required to pay anything in excess of the value of the share determined in accordance with sub-rule (1).

24 Mode of communication of classification of non- active member. - If a member is classified as non-active member, the society shall communicate such classification in **Form G**, to the concerned member within thirty days from the date of close of the financial year by Registered Post Acknowledgement Due, by Speed Post, by hand delivery, by email or otherwise and also by publishing name or names of such members on notice board of the concerned society:

Mode of
communication
of classification
of non- active
member

Provided that, on fulfillment of conditions, the member shall be reclassified as active member.

25 Procedure for transfer of shares: -

(1) No transfer of shares shall be effective unless, —

- (a) it is made in accordance with the provisions of the bye-laws;
- (b) a clear fifteen days' notice in writing is given to the society indicating therein the name of the proposed transferee, his consent, his application for membership where necessary, and the value proposed to be paid by the transferee;
- (c) all liabilities of the transferor due to the society are discharged; and
- (d) the transfer is registered in the books of the society.

Procedure for
transfer of
shares

(2) Any charge in favour of the society on the share so transferred will continue unless discharged otherwise.

26 Transfer of interest on death of member:

- (1) Every member of the society who is permitted by or under this Regulation to transfer his share or interest on death to any person shall, by a statement signed by him in the register of members kept under section 43, nominate any person to whom under section 35, the value of his share or interest in the society or so much thereof as may be specified in the nomination, shall be paid or transferred on his death.
- (2) A nomination so made may be revoked or varied by a subsequent nomination similarly made.
- (3) In case the nominee of the member dies, the member shall report the death to the society.
- (4) The value of the share or interest for the purpose of sub-section (3) of section 35 shall be the amount as ascertained under sub-rule (1) of rule 23.
- (5) If no nomination has been made by a member, the society shall, on the death of a member by a notice exhibited at the office of the society invite claims or objections for transfer of the share or interest of the deceased member to an heir or legal representative within the time specified in the notice.
- (6) After considering the objections or claims if any, received in this behalf and after making such the committee considers necessary, it shall decide as to the person who in its opinion is the heir or legal representative of the deceased member, and to proceed to transfer the share or interest of the deceased member to such person, only.
- (7) In case of payment of the value of the share or interest or other moneys due to the deceased member, the committee shall obtain sureties for the amounts involved in such payments from two members of the society.

Transfer of
interest on
death of
member

27 Restriction on holding of shares:

No member other than co-operative society or the Administrator shall hold more than one fifth of the paid-up share capital of the society.

Restriction on
holding of
shares

28 Classes of societies eligible for admitting nominal, associate or sympathizer members:

- (1) A society of any class may admit any person as a nominal member.
- (2) A society formed for the uplift of backward classes or scheduled tribes, a labour contract society, a forest labourers society, a processing society, fishermen society or an industrial society may admit any person as an associate or sympathizer member

Classes of societies
eligible for admitting
nominal, associate or
sympathizer members

29 Supply of copies of documents by societies and fees therefore: -

- (1) A society shall furnish on an application by a member, a certified copy of any of the documents mentioned in sub-section (1) of section 37 on payment of fees of Rs.3/- per page or actual cost of preparing the copies, of the documents or the photocopy/xerox, whichever is less.
- (2) An application under sub-rule (1) shall be accompanied by a deposit of an amount to cover the cost of preparation of certified copies according to the scale prescribed in sub-rule (1).
- (3) Where the copies are prepared, the amount due from the member according to the scale laid down in sub-rule (1) shall be retained by the society as copying fees and the surplus amount, if any remaining out of the deposit shall be refunded to the member at the time of supplying copies. Where the amount deposited by the member is found to be insufficient to cover the copying fees, the member shall be called upon to pay the deficit before taking delivery of the copies.
- (4) The copies shall be certified and signed as true copies by any person duly authorised in this behalf by the committee or under the bye-laws of the society.

Supply of
copies of
documents by
societies and
fees therefore

30 Procedure for expulsion of members: -

- (1) Where any member of a society proposes to bring a resolution for expulsion of any other member, he shall give a written notice thereof to the Chairman of the society. On receipt of notice or when the committee itself decides to bring in such resolution, the consideration of such resolution shall be included in the agenda for the general meeting and a notice thereof shall be given to the member against whom such resolution is proposed to be brought, calling upon him to be present at the general meeting to be held not earlier than a period of one month from the date of such notice and to show cause against expulsion to the general body of members. After hearing the member, if present, or after taking into consideration any written representation which he might have sent, the general body of members shall proceed to consider the resolution.
- (2) When a resolution passed in accordance with sub-rule (1) is sent to the Registrar he shall consider the resolution and after making such enquiries as he may deem fit, give his approval or disapproval and communicate the same to the society and the member concerned. The resolution shall be effective from the date of such decision.
- (3) The approval or disapproval of the Registrar shall be communicated to the society within a period of three months from the date of such submission

Procedure for
expulsion of
members

CHAPTER IV

Incorporation, Duties and Privileges of Societies

31 Procedure for registering the address of a society and the change of its address:

- (1) Every society shall incorporate in its bye- laws its address at the time of registration of its bye-laws. When the address of the society is subsequently changed, the bye-laws shall be amended to incorporate therein such changed address.
- (2) The address specified in the bye-laws shall be the registered address of the society.

Procedure for
registering the
address of a
society and the
change of its
address

32 Register of members:

The society shall where the liability of the members is limited by shares, enter in the register kept under section 43, the total number of shares and the amount paid towards the capital by the members.

Register of
members

33 List of Members: - The list of members to be kept by every society under Section 43 shall be in **Form H**.

List of Members

34 Certified copies of entries in books of societies: - For the purposes of Section 44 copies of any entries referred to in that section may be certified by any officer of the society duly authorised in that behalf by the committee or special officer or custodian or official assignee or liquidator as the case may be, under the seal of the society.

Certified copies
of entries in
books of
societies

35 Restrictions on borrowing by societies, etc.

- (1) Except with the previous sanction of the Registrar, no society shall incur liability exceeding in total the following limits -
- (a) if it be the State Co-operative Bank or State Housing Finance Society, or central co-operative bank or an urban co-operative bank twenty-five times the total amount of its paid up-share capital accumulated reserve fund and building fund minus accumulated losses.
- (b) If it be a producer's society or distributive society, fifteen times the total amount of its paid-up share capital, accumulated reserve fund and building fund minus accumulated losses.
- (c) if it be a society with limited liability but not falling under clause (a) or (b) above, ten times the total amount of its paid-up share capital, accumulated reserve fund and building fund minus accumulated losses.
- (2) In calculating the total amount of liability under sub-rule (1)
- (a) In the case of the State Co-operative Bank or Central co-operative bank a sum equal to the amount borrowed on the security of agricultural

Restrictions on
borrowing by
societies, etc.

produce or other goods belonging to the members of the shall be excluded from the amount of the liability actually incurred.

- (b) in the case of any other society the bye-laws of which permit borrowing or granting credit facilities on the pledge of agricultural produce or other goods specified in that behalf by the Registrar by general or special order, a sum equal to the amount borrowed by the society on the security of agricultural produce or other goods belonging to it or its members shall be excluded from the amount of the liability actually incurred.
- (3)(a) Notwithstanding anything contained in sub-rule (1) a society other than a society referred to in clause (c) of sub-rule (1) may incur liability in excess of the limit specified in sub-rule (1) by receiving deposits or borrowing loans subject to the condition that the amount received as deposits or loans in excess of the said limit shall not be utilised in the business of the society but shall be invested in Government Securities which shall be deposited.
 - (i) in the case of the State Co-operative Bank or Urban Cooperative Bank, with the Reserve Bank of India,
 - (ii) in the case of a central bank, with the State Cooperative Bank or Reserve Bank of India, and
 - (iii) in the case of any other society, with the State Co-operative/Central Co-operative bank or State Bank of India or any nationalised bank.
- (b) No society shall borrow against the Government securities in which it has invested any amount under clause (i).
- (4) Every society with unlimited liability may from time to time, fix in a general meeting the extent to which it may receive loans and deposits from person other than members. The maximum so fixed shall be subject to the sanction of the Registrar, who may at any time reduce It for reasons to be communicated by him to the society in writing, and may specie a period not less than four months, within which the society shall comply with his orders.

36 Maintenance of liquid resources and distribution of assets:

Every society which obtains any portion of its working capital by deposits shall,

- (1) maintain such liquid resources and in such form as may be specified from time to time by the Registrar, and

Maintenance of
liquid resources
and distribution
of assets

- (2) utilise only such portion of its working capital in lending business and distribute its assets in accordance with such standards as may be specified from time to time by the Registrar.

37 Raising of funds by societies:- (1) Every society, which has a share capital, shall provide in the bye-laws the maximum amount of such share capital, the number of shares into which it is divided, the class of shares, the face value of each share of each class and the rights and liabilities attaching to each class of shares and where the full amount of the share is not payable on allotment, the amount and the number of instalments in which it is required to be paid and such other incidental matters.

Raising of funds
by societies

- (2) Any society, which is authorised under its bye-laws to raise funds by the issue of debentures and bonds, may, with the prior sanction of the Registrar, frame rules regarding the maximum amount to be raised by the issue of debentures and bonds, the class or classes of debentures and bonds, the face value of each debenture or bond, the date on which the debentures or bonds are to be redeemed, the rate at which interest is payable, the terms and conditions regarding transfer of debentures and bonds and other incidental matters.

- (3) The total amount of debentures and bonds issued at any time together with the other liabilities incurred by the society shall not exceed the maximum amount which the society can borrow under the provisions of Rule 35 and its bye-laws.

38 Restrictions on borrowing from more than one credit Society:

- (1) Every person who is member of more than one society (other than a State/Central Bank/Urban Bank or a Marketing society) dispensing credit shall unless he has already done so, make a declaration in **Form I** that he will borrow from, or accept the responsibility of a surety in one society only to be mentioned in the declaration and shall send a copy of such declaration duly attested to all other societies through such society.

Restrictions on
borrowing from
more than one
credit Society

- (2) Any person, who continues to be member of more than one society without complying with the provision of sub-rule (1) shall be liable to be removed from the membership of any or all such societies upon receiving a written requisition from the Registrar to that effect:

Provided that the societies in whose favour declaration as per sub-rule (1) has been made by a member, may with the prior approval of the Central Financing Agency to which it is affiliated permit him to borrow from any other society of which he is a member to such extent and subject to such conditions as may be laid down by it.

- (3) The Registrar may, for reasons to be recorded in writing, exempt any person or persons for the operation of this rule, or prohibit any person or persons from borrowing from more than one society notwithstanding that

permission of the society under proviso to sub-rule (2) has been obtained by him

- 39 Restrictions on transactions with non-members:** — On the application of a member of any society or of his own motion, when it appears to the Registrar that it is necessary in the interest of the working of any society to regulate or restrict transactions of such society with any non-member, the Registrar shall, after giving an opportunity to the society of being heard, issue such directions as he may consider necessary regulating or restricting such transactions.

Restrictions on transactions with non-members

40 Form of declaration under section 52(1)(a):

The declaration to be made in clause (a) of sub-section (1) of section 52 shall be in **Form J**

Form of declaration under section 52(1)(a)

Chapter V

Property and funds of societies

- 41 Appropriation of profits for other purpose:** - (1) The other purposes for which a society may appropriate its profits shall be education and enlightenment of the members of the society as also any co-operative or charitable purpose including relief to the poor, education, medical relief and advancement of any other general public utility, provided that the expenditure on such items does not exceed 10 per cent of the net profits.

Appropriation of profits for other purpose

(2) The net profits calculated in accordance with the provisions of rule shall be appropriated for the creation of —

- (a) Development Fund.
- (b) Dividend Equalisation Fund, or
- (c) any other fund created under bye-laws.

42 Honorary:

The honorarium to be paid under sub-section (2) of section 56 shall not exceed 5 per cent of net profits or Rs. 10,000 in a year whichever is less.

Honorarium

43 Contribution to Educational Fund:

Contribution to Educational Fund

No	Rate of Dividend	Rate of Contribution
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1	If the rate of dividend for any year is not exceeding 6 per cent	1 per cent of the net profit of the year or Rs.50000/-, whichever is less
2	If the rate of dividend for any year is more than 6 per cent	2 percent of the net profit of the year or Rs.2,00,000/-, whichever is less

Every society which pays dividend to its members shall contribute towards the education fund to the Registrar at the following rates, namely:

The cooperative education fund shall be administered by a committee constituted by the Registrar for cooperative Training & Education activities in the Lakshadweep Islands.

44 Investment of funds –

(1) A society may invest, or deposit its fund as provided in section 62.

Investment of
funds

(2) A society may, with the previous sanction of the Registrar, invest the whole or any portion of its fund in the purchase or lease of land or in the acquisition, construction or renewal of any building that may be necessary to conduct its business. The amount of the funds so invested shall be recouped on such terms as may be determined in each case by the Registrar.

(3) The provisions of this rule shall not apply-

(a) to immovable property purchased -

(i) by a registered society at a sale held in execution of a decree, decision or award obtained by it, for the recovery of any sum due to it; or

(ii) by a financing bank at a sale held in execution of a decree, decision or award obtained by a registered society, financed by it, for the recovery of any sum due to such society or at a sale brought about by the liquidator or such society; or

(b) to the purchase or lease of lands or purchase, construction or renewal of buildings by a registered society whose objects according to its bye-laws include such purchase, lease, construction or renewal.

(4) to the investment of the reserve fund of a society and such investment shall be governed by section 62.

(5) No recoupment of the amount invested under this rule shall be necessary where the investment is made by a registered society other than a credit society in which the share capital raised from the members is intended to build up the special kind of business for which it has been registered.

Chapter VI

Management of Societies

45 Reservation of seats in managing committee:-(1) There shall be reserved two seats for women and in the Managing Committee of every society consisting of individuals as members and one seat shall be reserved for the persons who are small farmers and marginal farmers.

Reservation of
seats in
managing
committee

(2) There shall be reserved one seat for Schedule Tribe in the Managing Committee of every society consisting of individual members, if such class of persons are members in the society.

46 Election of delegates for general body: - (1) Where the bye-laws of a society provide for the election of delegates of such members, the final authority may vest in the delegates of such members.

Election of
delegates for
general body

(a) Affiliated Societies in A class

(b) Affiliated Societies in B Class – other types of Cooperative Societies

(c) Individual Members – Specified under clause (a) of sub-section (1) of Section 25 of the Regulation

(d) Other members – other types of institutions as per sub rule 1 Rule 21

(e) Government Nominees

(2) The delegates so elected will continue in office till their successors are elected or the tenure is completed.

(3) Each afflicted Society and other member under clause (d) of sub rule (1) rule (21) shall elect a delegate from among its members to be as representative to the Federal Society for the period specified in the byelaw of the Society or till his successor is elected whichever is earlier. An affiliated society can withdraw its delegate at any time and send another instead. A delegate ceasing to be a member of the affiliated Society which he represents shall cease to represent it.

(4) Notwithstanding anything contained in the Regulation and Rules, Federal Society can incorporate necessary procedures for conduct of election in the General Body meeting.

Chapter VII

Co-operative Election Authority

47 Election of members of committee: - (1) Notwithstanding anything contained in these rules or the bye-laws, election of members of the committee of a co-operative society shall be conducted in the manner given in Schedule-I, conduct of election of committee rules, 2023.

Election of
members of
committee

(2) The elections of the members of committee and office bearers of the societies mentioned under section 68 of the Regulation shall be held or caused to be held by the Registrar through the machinery created for this purpose in the manner as specified hereunder, namely: —

- (a) The Administrator may, by order, appoint an officer from the Union Territory Administration as Cooperative Election Officer in the discharge of his functions and empower them to exercise such powers and perform such duties and functions, as may be assigned to him, from time to time.
 - (b) The Cooperative Election Officer shall have powers to appoint required officers with their jurisdiction as Assistant Cooperative Election Officer/Returning Officer for the concerned islands, who shall not be below the rank of Group B Gazetted of Union Territory Administration of Lakshadweep
 - (c) The Assistant Cooperative Election Officer/Returning Officer shall have powers to appoint such additional staff as he deems necessary to assist him and the Assistant Election Officer.
 - (d) The Cooperative Election Officer shall have powers of general guidance, superintendence and control over the Assistant Cooperative Election Officers/ Returning Officers and the staff appointed under the foregoing clauses of these rules.
- (3) The Assistant Cooperative Election Officer/Returning Officer shall conduct the elections of the Society or class of Societies as per the procedure laid down in Schedule I sub rule 1 of Rule 47 and including latest technology for the purpose can be adopted in smooth conduct of the election.
- (4) The Registrar may, by general or any special order considering the objects of the society, class of societies, area of operation and norms of business and for proper management and interest of members, classify the societies
- (5) Co-operative Societies Election Fund. — (a) In sub section 10 of Section 68, there shall be an election fund called the “Cooperative Societies Election Fund” in which all the amounts received as deposits for the election expenses received from the societies, any amount received from the Administration for this purpose and any other amount received in connection with the election shall be credited by the Cooperative Election Officer, the Assistant Election Officer or any other officer authorised by the Registrar of Cooperative Societies.
- (b) The Cooperative Election Officer, the Assistant Cooperative Election Officer or any other person authorised by the Registrar of Cooperative Societies in that behalf shall be entitled to open and operate the bank account or accounts for the purpose of election expenses to be incurred from out of the amount credited in the Cooperative Societies Election Fund. Such account or accounts shall be operated by any two officers concerned.
- (c) The accounts related to the Co-operative Societies Election Fund shall be audited by the auditors of the Co-operative Department within six months from the completion of the respective election and the audit report shall be submitted to the Registrar
- (d) The Registrar shall appoint the auditors from among the auditors of the Co-operative Department, to audit the accounts of the Co-operative Societies Election Fund.

Co-operative
Societies
Election Fund

- (e) Any surplus amount remaining after the completion of the election of the society shall be refunded by the Assistant Cooperative Election Officer/ Returning Officer to the concerned society within three months from the submission of the audit report to the Registrar.
- (6) Provided that the Registrar may, by general or any special-order issue the guideline and the manner for the conducting of election related expenditure as per the sub section 11 of Section 68
- (7) Provided further that, the election of all the members of the committee shall be held on or before the period specified in the bye-laws for the expiry of the term of office of the members. If, for any reason, the Society fails to arrange for such election, the Registrar of Co-operative Societies may extend such term until such time within which the election should, in his opinion, be held.

48 Disqualification for membership of committee: — (1) No person shall be eligible for appointment, or election or nomination or co-option or being continued as member of the committee if he—

Disqualification
for membership
of committee

- (a) is an applicant to be adjudicated a bankrupt or an insolvent or an un-certificated bankrupt or un-discharged insolvent, or
- (b) has been sentenced for any offence other than an offence of a political character or an offence not involving moral delinquency, such sentence not having been reversed or the offence pardoned provided that this disqualification shall not apply where more than five years have elapsed from the date of the expiration of such sentence, or
- (c) is of unsound mind, a deaf—mute or leper, or
- (d) is a paid employee of the society, the financing bank or any society for which it is the financing bank, provided that this clause shall not apply to paid employees of Societies being members of the committee of a society, composed exclusively of such employees; or
- (e) he has any interest directly or indirectly in any subsisting contract made with the society or in any property sold or purchased by the society or any other transaction of the society except in any investment made in or any loan taken from the society; or
- (f) is a near relation of a paid employee of the society, provided that if any question arises whether a person is or is not a near relation of a paid employee of the society, the question shall be referred to the Registrar for decision; or
- (g) he has incurred any disqualification as per any provision of the bye-laws of the society; or

- (h) is in default to the to any society or any other financial institution in respect of any loan or loans taken by him.
- (i) is expelled from any society under the provisions of Regulation, Rules and of its byelaws.

(2) A member of the committee of any society shall cease to hold his office as such, if he:—

- (a) applies to be adjudicated, or is adjudicated, a bankrupt or an insolvent; or
- (b) is sentenced for any such offence as is described in clause (b) of sub-rule (1); or
- (c) becomes of unsound mind, a deaf-mute or a leper; or
- (d) becomes a paid employee of the society, the financing bank or any society for which it is the financing bank provided that this clause shall not apply to paid employees of societies becoming members of the committee of a society composed exclusively of such employees; or
- (e) becomes a near relative of a paid employee of the society; or
- (f) is in default to the to any society or any other financial institution in respect of any loan or loans taken by him.

Provided further that if any question arises as to whether a member of the committee of any society has or has not become a near relation of a paid employee of the society, the question shall be referred the Registrar for decision.

(3) A member of the Committee who incurs any of the disqualifications as per the Regulation, these rules or bye-laws shall vacate the office and if he does not vacate such office, he shall be removed by the Registrar as such member after giving him an opportunity of being heard.

Explanation: - For the purpose of clause (e) of sub rule (1), the **near relatives** shall be the following, namely: -

(1) Husband (2) Wife (3) Son (4) Daughter (5) Brother(6) Sister(7) Father(8) Mother (9) Uncle (Maternal) (10) Father in law (11) Mother in law (12) Son in law (13) Daughter in law (14) Step son (15) Step daughter (16) Wife's brother (17) Wife's sister (18) Husband's brother (19) Husband's sister (20) Sisters' son (21) Daughter's son (22) Mother's sister (23) Mothers sister's son/ Daughter (24) Grandfather (25) Grandmother (26) Step Father (27) Step Mother (28) Grandson/ Daughter

Note: - Brother and sister will not include step brother and step sister, half brother and half sister

49 Powers of the managing committee: -

The managing committee of a society shall have among other powers, power

Powers of the
managing
committee

- (1) to admit new members;
- (2) to raise and invest funds;
- (3) to appoint the salaried or non-salaried staff for the conduct of the business of the society and to define their duties;
- (4) to dispose of application for shares;
- (5) to dispose of applications for loans and to determine the security to be taken;
- (6) to appoint sub-committees, and to define the powers to be delegated to them.

50 Duties of the managing committee: - It shall be the duty of the managing committee,

Duties of the
managing
committee

- (1) to receive and disburse money;
- (2) to maintain accounts of money received and expended and the accounts of assets and liabilities;
- (3) to prepare for submission for the annual general meeting an annual report of the working of the society and all such annual statements of accounts required to be placed before the general meeting under the Regulation, rules and bye-laws:
- (4) to prepare the statements of accounts and other statements required by the auditor for the purpose of audit;
- (5) to prepare and submit all statements, returns and periodicals required by the Registrar;
- (6) to maintain an up-to-date register of members:
- (7) to facilitate the inspection of books by those entitled to inspect;
- (8) to convene general meetings on requisition;
- (9) to convene annual general meeting in due time;
- (10) to watch the recovery of loans and examine the application of loan;
- (11) to examine and take prompt action in cases of all arrears and defaults in repayment of loans and advances;
- (12) to provide all necessary help, assistance and co-operation to the Cooperative Election Authority for the smooth conduct of election of committee and office bearers;

(13) to perform such other duties as may be entrusted in the general meeting.

51 Restriction on rates of sitting fees and travelling and daily allowances of members of the committee and other conditions and limitations: -

(1) Subject to the provisions of sub-rules (1) and (2) of Section 73 no society shall prescribe nor a member of the committee thereof shall be entitled to sitting fees, travelling and daily allowances while touring on public business, at the rates exceeding the maximum rates specified for the category of the society in the Table below:

TABLE

Sr. No	Category of the society	Maximum rate of sitting fees	Maximum rate of daily allowance	Traveling Expenses
1	All Apex or federal societies or any society having area of operation more than an island	Rs.500/-	(i)Rs.500/- for Kavaratti (ii)Rs.300/- in other parts of any island	(i) Actual fare Limited to Economic class Air Fare or First-class ticket charge (sea fare), or First-Class Railway/Bus Fare (ii) Rs.10/- per kilometre, in case a member travelled by private, owned or hired vehicle
2	Other societies	Rs.200/-	(i)Rs.250/- for Kavaratti (ii)Rs.200/- in other parts of any island	(i) Actual fare Limited to Economic class Air Fare or Second-class ticket charge (sea fare), or Second-Class Railway/Bus Fare (ii) Rs.10/- per kilometre, in case a member travelled by private, owned or hired vehicle

Restriction on rates of sitting fees and travelling and daily allowances of members of the committee and other conditions and limitations

(2)(a) A member of the committee shall be entitled to 50% increase in the rate of daily allowance prescribed by the societies, for touring outside the Union Territory:

Provided that where suitable accommodation is not available and the member is compelled to pay the cost of accommodation higher than the rate of daily allowance, the member shall be entitled to actual cost of accommodation subject to a maximum of double amount of the prescribed amount.

(b) in the case of travelling abroad in the public interest, a member shall be entitled to draw travelling and Daily allowance as decided by the Board of Directors and after obtaining prior approval thereto from the Administration before the member proceeds for such travel.

(3) A member of Committee of a society in relation to touring on public business shall be subject to the following conditions and limitations:

- (a) The Journeys in connection with the performance of functions of the Committee shall have to be approved by the Resolution of the Committee. No member shall be entitled to claim travelling or daily allowance from more than one society when he attends any functions or attends meeting of the committees of more than one society on the same day.
- (b) For the purpose of daily allowance, if absence from the place of ordinary residence of the member exceeds 12 hours, full daily allowance shall be admissible and if such absence is for less than 12 hours at half the rate of full daily allowance shall be admissible.
- (c) No daily allowance shall be admissible for the journeys within the radius of 8 K.M.s from the place of headquarters or ordinary residence of the member.
- (d) in case of journeys by rail, the fare of actual class of accommodation availed of shall only be admissible.
- (e) in case the journey is performed by vehicle borrowed from any Co-operative Society or any other institution no travelling expenses shall be admissible and only daily allowance shall be admissible.
- (f) The daily allowance shall be admissible only for the days on which the member attends the meeting or attends any other functions of the Committee and for the time required for, to and from journey from Head Quarters of the Society or the place of ordinary residence of member.
- (g) The travelling allowance bill of the members shall be preferred in such form as the Registrar may by General or Special order specify Such bill shall be countersigned by the Chief Executive officer or any equivalent officer and Chairman of the Society.
- (h) The Registrar shall review and issue necessary directions, instructions and orders on the rate of sitting fee, traveling and daily allowance from time to time etc. applicable to the elected directors from time to time considering various factors applicable.

52 Officer or employee of Society not to have interest in transaction, etc.:-

- (1) No officer or employee of a society shall have any interest directly or indirectly otherwise than as such officer or employee
 - (a) in any contract made with the society, or
 - (b) in any property sold or purchased by the society, or
 - (c) in any transaction of the society except as investment made or as loan taken from the society or the provision of residential accommodation by the society to any paid employee of the society.
- (2) No officer or employee of a society shall purchase, directly or indirectly any property of a member of the society sold for the recovery of his dues to the society.

Officer or
employee of
Society not to
have interest in
transaction, etc

(3) No person who carries on business of the kind carried on by the society shall be eligible to be appointed as a employee or officer of the society without the sanction of the Registrar.

(4) Where any person is appointed as an employee or officer of the society in contravention of this sub-rule (3) shall be removed from the office as an employee or officer of the society by the Registrar.

Provided that the Registrar, shall, before making such order of removal, give the person concerned an opportunity of being heard.

(5) Any officer or employee of the society who appears as a legal practitioner-

(a) against such society or against any other society which is a member of the former society, or

(b) Otherwise, then in an honorary capacity on behalf of such society or on behalf of any other society which is a member of the former society, shall be deemed to have vacated his office as such.

Provided, the Registrar may, in the special circumstances exempt an officer of a society from the application of the above rule by a general or special order in writing.

53 Security to be furnished by paid employees of societies: - (1) No society shall appoint any person as its paid officer or servant in any category of service without obtaining from him security in such form and according to such standard as the Registrar may fix for such category of service in the society or for the class of societies to which it belongs.

Security to be
furnished by
paid employees
of societies

(2) No Society shall retain in service any paid officer or servant if he does not furnish within such time as the Registrar may direct security in such form and according to such standard as the Registrar may fix for the category of service in which he serves in the society or for the class of societies to which it belongs.

(3) The Registrar may, by general or any special order, exempt any society or class of societies or any category of service in any society or class of societies from the provision of this rule or relax in respect of any paid officer or servant the provisions of this rule in regard to the form or the standard of security which he should furnish.

54 Motion of no-confidence against the officers of the society: - (1) The requisition to call the special meeting of the committee of a society to consider a motion of no-confidence against the President, Vice-President, Chairman, Vice Chairman, Secretary, Treasurer or other officer of the society, by whatever designation called, who holds office by virtue of his elections to that office, shall be made in **Form K**.

Motion of no-
confidence
against the
officers of the
society

The requisition shall be accompanied by; -

- (a) the grounds of no-confidence;
 - (b) the text of the motion of no-confidence to be moved;
 - (c) the name of the committee members who shall move the motion of non-confidence;
 - (d) a list of members of the committee specifying their full names, and address who are, for the time being, entitled to sit and vote at any meeting of the committee;
 - (e) signatures of the members of the committee who are signing the requisition duly attested by the Chief Executive Officer or any equivalent officer of the society or Special Executive Magistrate or Executive Magistrate or any Gazetted Officer of the Union Territory.
- (2) The requisition referred to in sub-rule (1) shall be delivered in person to the Registrar. Such requisition or requisitions shall be delivered in duplicate in each case. The Registrar on ascertaining that the requisition or requisitions as the case may be, have been signed by not less than 1/3rd members of the committee who for the time being are entitled to attend and vote in any meeting of the committee of society; -
- (a) receive and acknowledge the requisition under his signature with date and time.
 - (b) issue notice convening, the special meeting for that purpose specifying therein place, date, time, name and designation of the officer who shall be presiding over such meeting, to all the members of the committee, the Presiding Officer and Manager or such employee of the society, to whom the Registrar has directed to produce minute book of committee meetings of the society. This notice of no-confidence shall also be issued, to the Officer or officers against whom the motion of no confidence is being moved, and shall be accompanied by the copy of the requisition along with enclosures and agenda.
 - (c) The Registrar shall direct the Manager or any other employee to deliver in person the minute book of the committee meetings on the date, time and place of the meeting, to the Presiding Officer.
 - (d) The Registrar shall send the notice to all the persons concerned. However, he shall serve or cause to be served the notice on the officer or officers against whom the motion of no-confidence is proposed to be moved through the special messenger or the officer or officers, as the case may be, or in his or their absence on any adult member of his or their families at the place of residence. If for some reason it is not possible to serve the notice, the authorised person in this behalf, shall in presence of two witnesses, affix such notice on any conspicuous place of the residence.

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- (e) copies of this notice shall be displayed on the Notice Board of the Registrar, the Presiding Officer and the society. Such display of the notice on the notice board of the Registrar and the Presiding Officer shall be the conclusive proof that such notice has been served on all concerned.
- (3) Notwithstanding anything contained in the bye-laws of the society regarding the procedure for convening and holding meeting and recording of minutes, the procedure adopted by the Registrar, the Presiding Officer and the Authorised Officer under sub-rule (2), shall be deemed to be the proper procedure under the provisions of bye-laws of the society. If the Registrar deems it necessary, he shall require any officer of the society to furnish any information to him and it shall be obligatory on the part of such officer to furnish such information. On failure of the officer to furnish the information, the Registrar may get it through any person authorising in that behalf. This failure on part of the officer of the society shall be construed as non-compliance of provisions as contemplated under sub-section (1) of Section 81. However, in case of the officer of the society who holds that office by virtue of his election, including the member of the committee of management, it shall be construed as breach of provisions under sub-section (1) of Section 79 and negligence of performance of duties imposed by the Registrar as contemplated under subsection (1) of Section 80.
- (4) The time of the meeting shall be between office hours of the authorised officer. The meeting shall be held either in the office of the society or at any other place which may, as far as possible, be public place or any other place specified by the Registrar.
- (5) No other subject, except the motion or motions of no-confidence shall be kept on the agenda.
- (6) The Registrar or the officer authorised to preside over the meeting shall,
- (a) announce or cause to be announced the commencement of the meeting,
 - (b) take possession of the minute book of the committee meetings from the officer of the society. However, for some reasons, if it is not possible for him to take possession of the minute book of the committee meetings of the society, at the commencement of the meeting, he shall record proceedings in the register kept for that purpose in his office. The text of the minutes of the meeting recorded in the minute book kept in the office of the Registrar shall be incorporated in the minute book of the society.
 - (c) record the date, time, place, names of members of the committee present at the commencement of the meeting, in the minute book of the society or kept by him, as the case may be, in his own hand and cause all the members of the committee who are present, to sign it and

it shall be obligatory on their part to do so. The signature of the members on the minute book shall be the concrete proof of their attendance.

- (d) not allow any other person to enter the place of meeting except the person or persons appointed to assist him, the officer of the society who has produced the minute book, the officer or officers against whom the motion of no-confidence is moved, the members of the committee who are for the time being entitled to sit and vote in any meeting of the committee, who are present at the commencement of the meeting and police officer or officers if called by him to maintain the law and order.
- (e) record or cause to be recorded, the proceedings of the meeting and thereafter allow those members who desire to sign the proceedings. Signature of the members on the minute book shall be the conclusive proof of their attendance.
- (f) not allow the discussions on any other subject than the subject on agenda.
- (g) declare the motion or motions as rejected and take a note to that effect with reasons, in the minute book under the following circumstances;
 - (i) if no member of the committee present;
 - (ii) none of the members of the committee, who are present refuse to sign the requisition;
 - (iii) 2/3rd members are not present at the commencement of the meeting, 2/3rd fraction, if any shall be rounded to next higher number.
- (h) (i) read or cause to be read the text and grounds of no-confidence motion and allow any of the member, who have signed the requisition to move the motion and to speak in support of the motion.
- (ii) allow the member against whom no-confidence motion is moved or any other member on his behalf to defend.
- (iii) put the motion to vote and declare the results as laid down in sub-section (1) of Section 67.
- (i) the Presiding Officer shall not speak or give any decision on the merit or otherwise of no-confidence motion.
- (j) issue certificate in **Form L** in favour of the society.

55 First general meeting: - (1) Within three months from the date of registration of a society, the Chief Promoter thereof, shall convene the first general meeting of all persons who had joined in the application for registration of the society. Where the Chief Promoter fails to convene the meeting as

First general
meeting

aforesaid, it shall be convened by any person authorised in that behalf by the Registrar.

(2) At the first general meeting, the following business shall be transacted; —

- (a) Election of a president for the meeting;
- (b) Admission of new members;
- (c) receiving a statement of accounts and reporting all transactions entered into by the promoter up to 14 days before the meeting;
- (d) Constitution of a provisional committee until regular elections are held under the bye-laws. The provisional committee shall have the same powers and functions as the committee elected in accordance with the bye-laws;
- (e) Fixing the limit up to which the funds may be borrowed;
- (f) Any other matter which has been specifically mentioned in the bye-laws.

56 General meetings: - (1) All general meetings of a society except the first general meeting shall be convened by the Secretary or any other officer authorised by committee to convene such meetings under intimation to the Registrar, who may attend such meetings or authorise some person to attend such meetings on his behalf. The President/Chairman of the Society or in his absence the Vice-President/Vice-chairman or, in the absence of both, a member elected by the members present at the meeting shall preside over the meeting unless the bye-laws specify that the President of the meeting elected by the meeting.

General
meetings

- (2) No general meeting shall be held or proceeded with unless the number of members required to form a quorum as specified in the bye-laws are present.
- (3) The Secretary/Manager or any other officer convening the meeting shall read out the notice convening the meeting and the agenda for the meeting and then the subjects shall be taken up for consideration in the order in which they are mentioned, in the agenda unless the members present, with the permission of the President, agree to change the order. Unless otherwise specified in the Regulation, these rules and the bye-laws, the resolutions will be passed by a majority of the members present. The President will have a casting vote.
- (4) When the members are divided on any resolution, any member may demand a poll. When a poll is demanded, the President shall put the resolution for vote.
- (5) Voting may be by show of hands or by ballot as may be decided by the members present at the meeting, unless otherwise specified in the bye-laws.

- (6) When voting is to be by ballot, the President shall take necessary steps for the issue of ballot papers and counting of votes.
- (7) The result of voting shall be announced by the President.
- (8) If all the business in the agenda cannot be transacted on the date on which the general meeting is held, the meeting may be postponed to any other suitable date not later than thirty days from the date of the meeting as may be decided by the members present at the meeting.
- (9) The remaining subject or subjects on the agenda shall be taken up for consideration at the postponed meeting.
- (10) If the general meeting cannot be held for want of quorum, it shall be adjourned to half an hour on the same day as may have been specified in the notice calling the meeting and at such adjourned meeting the business on the agenda of the original meeting shall be transacted whether there is a quorum or not.
- (11) No resolution regarding expulsion of a member of the society, removal of a member of the committee or amendment of bye-laws shall be brought forward in any general meeting, unless due notice thereof is given in accordance with the provisions of the Regulation, these rules and the bye-laws of the society.
- (12) If the annual general meeting of a society is not called in accordance with the provisions of section 75 or if the Chairman or a majority of the committee of a society fail to call a special general meeting in accordance with the provisions of section 76, the Registrar may authorize any person subordinate to him to call the annual general meeting or the special general meeting, as the case may be, and such officer or person shall have all the powers and function of the officer of the society authorised to convene such annual or special general meeting, under its bye-laws.

57 Annual statements of accounts including balance sheet, etc.: - Within forty-five days of the close of every co-operative year, or within such extended period as may be specified by the Registrar, in the case of any society or class of societies, the committee of every society shall prepare annual statements of accounts showing; —

- (1) receipts and disbursements during the previous co-operative year;
- (2) the profit and loss account for the year; and
- (3) the balance sheet as at the close of the year.

These statements of accounts shall be open to inspection by any member during office hours at the office of the society and a copy thereof shall be submitted, within fifteen days from the date of preparation, to the Registrar and to the auditor appointed by the Registrar if any, for the audit of that society.

Annual
statements of
accounts
including
balance sheet,
etc

58 Form for the balance sheet and the profit and loss account: -(1) The balance sheet and the profit and loss account to be laid before the annual general meeting of a society by the committee shall be in the form prescribed by Registrar.

Form for the
balance sheet
and the profit
and loss
account

Provided that it shall be competent for the Registrar to permit a society or class of societies to adopt such other form as he may deem fit.

(2) A copy of the balance sheet and profit and loss account to be presented at the annual general meeting under sub-section (2) of Section 75 and a copy of the report of the committee under sub-section (3) of Section 75 shall be affixed on the notice board of the society at least fourteen days before the date fixed for the annual general meeting.

59 Appointment of a committee or a Special Officer: -

Notwithstanding anything contained in the bye-laws of the societies the Registrar shall. appoint a committee or a special officer from amongst the following:

Appointment of
a committee or
a Special
Officer

(1) A Federal Society having interest.

(2) A Federal Society, which in the opinion of the Registrar is competent to administer the affairs of the society sought to be brought under administration.

(3) Officer of the Co-operative Department of the Union Territory.

(4) Auditors who are on the panel of certified auditors and retired officers of the Co-operation. Revenue and Judicial Department, where names stand included on the panel approved and prepared by the Registrar from time to time for the purpose.

(5) one or more members of the society, not being the members of the Committee superseded under this section 80.

(6) The Registrar may fix the remuneration payable to members of the Committee or special officer on the basis of financial condition of the society and with reference to the nature and quantum of functions performed by members of the Committee or special officer and any expenses of management which shall be payable out of the funds of the society within such time and at such intervals as the Registrar may fix, and if such remuneration or expenses are not paid within such time or at intervals the Registrar may direct the person having custody of the funds of the society to pay to the administrators such remuneration and expenses in priority to any other payments (except land revenue, any arrears of land revenue, or any sum recoverable from the society as arrears of land revenue) and he shall, so far as the funds to the credit of the society allow, comply with the orders of the Registrar.

60 Accounts and other books to be maintained by societies— (1) Every

Society shall keep the following accounts and other books: -

- (a) A register of members (including persons nominated) under section 43.
 - (b) A register of shares (where capital is raised by shares).
 - (c) A register of debentures (where capital is raised by debentures).
 - (d) A register of declaration made under section 51.
 - (e) A share transfer register (where capital is raised by shares).
 - (f) A debenture transfer register (where capital is raised by debentures).
 - (g) Cash Account/Cash Book.
 - (h) General Ledger.
 - (i) Dead Stock Register.
 - (j) Stock Register.
 - (k) Members Loan Register.
 - (l) Deposit Account.
 - (m) Interest Account.
 - (n) Expense Account.
 - (o) Bank Account.
 - (p) Receipt book.
 - (q) Register of members credit worthiness and indebtedness.
 - (r) Ledger of borrowings.
 - (s) Voucher file.
 - (t) Register of immovable property.
 - (u) Suspense accounts Register.
 - (v) Reserve fund register
 - (w) Minutes Book, recording the proceedings of general meetings and committees.
 - (x) Such other accounts and Books as may from time to time be specified by the Registrar.
- (2) In addition, the following books shall be maintained by a distributive and productive society, with or without credit branches: -

Accounts and other books to be maintained by societies—

- (a) Register of bonus on purchases made by members.
- (b) Goods ledger containing a classification of goods stocked and sold.
- (c) Purchase book showing the daily purchase of articles.
- (d) Sales Chit.
- (e) Daily sales book.
- (f) Register of purchases made by members.

61 Power of Registrar to direct accounts and books to be written up: —The Registrar may by order in writing direct any society to get any or all the accounts and books required to be kept by it under rule 6 written up to such date, in such form and within such time as he may direct. In case of failure by any society to do so, the Registrar may depute an officer subordinate to him to write up the accounts and books. In such cases, it shall be competent for the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to do it, the charges which the society

Power of
Registrar to
direct accounts
and books to be
written up

Chapter VIII

Audit, Inquiry, Inspection and Supervision

62 Procedure for appointment of auditors and for conducting audit: - (1)
The audit of accounts of societies shall be conducted by Departmental Auditors or by certified auditors appointed by the Registrar from time to time on such terms and conditions as he deems fit:

Procedure for
appointment of
auditors and for
conducting audit

Provided that any society or class of societies notified by the Registrar may get their accounts audited by an auditor selected from the panel of certified auditors maintained by the Registrar and published by him in the Official Gazette.,

Explanation 1: — For the purposes of this Chapter, audit shall include annual or periodical audit, continuous or concurrent audit, test audit, reaudit and special audit.

Explanation 2: — For purposes of this rule, "a certified auditor" includes —

- (a) a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949;
- (b) a person who holds a Government Diploma in co-operative accounts or a Government Diploma in co-operation and accountancy; or
- (c) a person who has served as an auditor in the Co-operative Department of the Administration, and whose name has been included by the

Registrar in the panel of certified auditors maintained and published by him in the Official Gazette at least once every three years.

- (2) The audit under Section 84 shall in all cases extend back to the last date of the previous audit and shall be carried out upto the last date of the co-operative year immediately preceding the audit or where the Registrar so directs in the case of any particular society or class of societies, such other date as may be specified by the Registrar.
- (3) The auditor shall submit an audit memorandum to the society and to the Registrar in the form specified by the Registrar, on the accounts examined by him and on the balance sheet and profit and loss account as on the date and for the period up to which the accounts have been audited, and shall state whether in his opinion and to the best of his information and according to the explanation given to him, the said accounts give all the information required by the Regulation in the manner so required and give true and fair view;—
 - (a) in the case of the balance sheet, of the state of society's affairs as at the end of the financial year or any other subsequent date up to which the accounts are made up and examined by him, and
 - (b) in the case of the profit and loss account, of the profit or loss for the financial year or the period covered by the audit, as the case may be.
- (4) The audit memorandum shall state; -
 - (a) whether the auditor had obtained all the information and explanations which to the best of his knowledge and belief were necessary for the purpose of his audit;
 - (b) Every Society shall maintain books and records as required by the Regulation, Rules and the byelaws of the society.
 - (c) whether the balance sheet and profit and loss account examined by him are in agreement with the books of accounts and returns of the society.
- (5) Where any of the matters referred to in sub-rule (4) are answered in the negative or with a qualification, the audit memorandum shall specify the reasons for the answer.
- (6) The audit memorandum shall also contain schedules with full particulars of; —
 - (a) all transactions which appear to be contrary to the provisions of the Regulation, these rules or the bye-laws of the society;
 - (b) all sums which ought to have been but have not been brought into account by the society;

- (c) any material impropriety or irregularity in the expenditure or in the realisation of moneys due to the society;
 - (d) any money or property belonging to the society which appear to the auditor to be bad or doubtful debt; and
 - (e) any other matters specified by the Registrar in this behalf.
- (7) The summary of audit memorandum as prepared by auditor shall be read out in a general meeting. The audit memorandum together with its accompaniments shall be open to inspection by any member of the society. The Registrar may however direct that any portion of the audit memorandum which appears to him to be of objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit memorandum.
- (8) The Registrar may from time to time specify the form or forms in which the statements of accounts and information shall be prepared for audit by the society.
- (9) The Registrar shall have powers to issue directions and orders to the societies to prepare and submit any other statements, schedules and call for any details which are necessary for the conduct and completion of audit
- (10) On completion of his statutory audit, the auditor shall award an audit classification letter to the society whose accounts he has audited in accordance with the instructions issued by the Registrar from time to time keeping in view the efficiency of management, financial position and such other factors.

63 Scale of audit fees: -

- (1) Every Co-operative Society shall pay to Administration within three months of receipt of the annual audit certificate an audit fee calculated on the working capital as on the last day of the co-operative year to which the audit relates or on the total sales during the year or on the gross income during the year, as the case may be, as shown below.
- (a) Credit Societies and Banks on the working capital.
 - (b) Housing Societies: - on the aggregate of loans issued and that recovered during the year under audit.
 - (c) Societies having credit and non-credit activities: - On working capital or on sale proceeds of goods whichever is higher.
 - (d) Societies dealing in goods (except Coir Societies):- On sale proceeds.

Scale of audit
fees

(e) Coir Co-operative Societies: - On proceeds of Coir sold as owner as well as on the commission realised on goods sold as agents.

(f) Transport Societies: - On hire charges collected and sale proceeds of articles.

(g) Other Societies: - On gross income.

Audit fees will be calculated at the rate of 30 Paise for every one hundred Rupees or part thereof on the working capital, the value of sales or gross income, as the case may be up to Rs. 5 lakhs and thereafter at the rate of 20 Paise for every next one hundred rupees or part thereof. The maximum audit fees payable by a Society except bank should not exceed Rs. 3000/-. The audit fees for bank should not exceed Rs.2,00,000/- and for marketing or other federation Rs.1,00,000/-.Audit fees for audit of societies under liquidation shall be Rs.500/-

(2) All charges leviable under this rule shall be recoverable in the manner specified in Section 130 of the Regulation.

(3) The Administrator may, at his discretion, remit the whole or any part of the charge payable under sub-rule (1) by a particular society or by a particular class of societies for any year or other specified period.

(4) Any society or group of societies which has its accounts audited at its own expense by an officer of the Co-operative Department, to audit the accounts of such Society shall be exempted from the payment of audit fees.

64 Requisition of the federal society for inquiry: - Any federal society duly authorised by a resolution of its committee, may submit a requisition to the Registrar to hold an inquiry under Section 86 in respect of any society affiliated to it, duly setting out the grounds on which the inquiry is sought. A copy of such requisition shall be supplied to the society in respect of which the requisition is made.

Requisition of the
federal society
for inquiry

65 Procedure for assessing damages against delinquent promoters, etc. under Section 93:- (1) On receipt of a report referred to in Section 93 or otherwise, the Registrar or any other person authorised by him may make such further inquiries as he may deem necessary regarding the extent to which the person who has taken any part in the organisation or management of a society or any deceased, past or present officer of the society has misapplied or retained, or become liable or accountable for, any money or property of the society, or has committed misfeasance or breach of trust in relation to the society.

Procedure for
assessing
damages against
delinquent
promoters, etc.
under Section 93

(2) On the completion of the further inquiries under sub-rule (1), where necessary, the Registrar or the person authorised by him shall issue a notice to the person or persons concerned furnishing him or them with particulars of the acts of misapplication, retention, misfeasance or

breach of trust and the extent of his or their liability involved therein and calling upon him or them to put in statement in his or their defense within fifteen days of the date of issue of the notice.

- (3) On receipt of the statements referred to in sub-rule (2), the Registrar or the person authorised by him, if he is satisfied that there are reasonable grounds for holding the person or persons liable, shall frame charges.
- (4) The person or persons concerned shall, after the charges are framed be asked to put in his statement in defense and to indicate the documentary or oral evidence which he would like to produce. The Registrar or the person authorised by him may permit production of other documentary or oral evidence, if considered necessary subsequently.
- (5) The Registrar or the person authorised by him shall thereafter record the evidence led by the society or the person or persons concerned and take on record the documents proved by them and shall thereafter fix a date for hearing arguments of both the parties.
- (6) On the day fixed for hearing under sub-rule (5), the Registrar or the person authorised by him, shall hear the arguments and may pass his final orders on the same day or any date fixed by him within sixty days from the date on which the hearing was completed. On the date so fixed, the Registrar or, as the case may be, the person authorised by him shall make his final order either ordering repayment of the money or return of the property to the society together with interest at such rate as may be specified by him or to contribute such amount to the assets of the society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of the society.
- (7) The Registrar or the person authorised by him, may also provide in his order for the payment of the cost of the proceeding under this rule or any part of such cost as he thinks just.
- (8) The Registrar or the person authorised by him shall furnish a copy of his order, under sub-rule (6) to the party concerned within ten days of the date on which he makes his final order.

66 Constitution of Committee under section 95 for supervision of Federal Societies in the Union territory: -

- (1) For the supervision of Federal Cooperative Societies registered under the Regulation, the Administrator may constitute a committee consisting of three persons as follows, namely:
 - (a) One person nominated from amongst the officers of the Administration who is holding or has held the office of the Director level officers to Union Territory of Lakshadweep Administration.

Constitution of
Committee under
section 95 for
supervision of
Federal Societies
in the Union
territory

- (b) One person nominated from amongst the officers of the Administration of Lakshadweep who is holding or has held the office of Director as a senior executive in any of the Federal Societies in this Union Territory who in the opinion of the Administrator has adequate knowledge and experience relating to agricultural production, processing, marketing, consumer activity or public distribution system.
 - (c) One person who has been an officer not below the rank of Deputy Registrar in the Cooperation Department for a period not less than two years or has been an officer not below the rank of the Assistant Registrar of the Cooperative Societies for a period not less than five years.
- (2) (a) The person nominated under clause (a) of sub-rule (1) shall be the Chairman of the Committee,
- (b) The persons nominated under sub-rule (1) shall hold office for such period not exceeding three years as the Administrator may by order specify:
- Provided that the persons so nominated shall on the expiry of the period be eligible for renomination.
- (3) The Committee may make rules for,
- (a) its internal working: and
 - (b) any other matter necessary for carrying out its function.
- (4) The committee shall carry out its function subject to the supervision and control of the Cooperation Department and shall comply such direction as may be given to it from time to time by the Administrator.

Chapter IX

Disputes

67 Board of nominees: -

Where the Registrar appoints a board of nominees under section 98, he shall appoint one of the nominees to be chairman of the board. The chairman so appointed shall fix the date, time and place of hearing the dispute referred to the board and carry out the necessary correspondence in connection with the disposal of the dispute.

Board of
nominees

68 Qualifications of a nominee of the Board of Nominees: - No person shall be eligible for appointment as a nominee of a Board of Nominees, unless he, -

- (1) is holding or has held a judicial office not lower in rank than that of Junior Civil Judge; or
- (2) has practiced as an Advocate or Pleader for not less than ten years; or
- (3) holds a degree in law from a university established by Law in India; and

Qualifications of
a nominee of the
Board of
Nominees

- (4) has worked for not less than five years as a Assistant Registrar of Co-operative Societies, or its equivalent post, or
- (5) has worked as a Deputy Registrar of Co-operative Societies,
- (6) no person shall hold or continue to hold the office of the Nominee Board of a Board of Nominees after he attains the age of sixty-five years.

69 Reference of Dispute: - (1) The reference to the Registrar of any dispute under section 96 of the Regulation shall be in writing in **Form M**

Reference of
Dispute

- (2) In computing the period of limitation in the case of any dispute, all or any months of June, July, August and September shall be excluded.
- (3) Wherever necessary, the Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him, before proceeding with the consideration of such reference.

70 Procedure of hearing and decision: -

Procedure of
hearing and
decision

- (1) The adjudicating authority shall record a brief note in English or in regional, language of the evidence of the parties and witnesses who attend and upon the evidence so recorded and upon consideration of any documentary evidence produced by either side. a decision shall be given in accordance with justice, enquiry and good conscience and it shall be reduced to writing. Such a decision shall be given in open court either at once or on some future date of which due notice shall be given to the parties.
- (2) if any of the parties duly summoned or informed to attend, fails to appear, the dispute may be decided in accordance with the relevant provisions of Order 9 of the Code of Civil Procedure, 1908.
- (3) Where the adjudicating authority is a board of nominees consisting of the board of nominees of two nominees and if their opinions differ regarding the decision, adjudicating authority shall return the case to the Registrar with its notes of dissent and thereupon the dispute may be decided by the Registrar himself or the case may be forwarded to a fresh board of three nominees for decision.
- (4) The decision shall be communicated to the parties by
 - (a) pronouncement of the award; or
 - (b) registered post to any party which may be absent on the date if due notice of the decision is not given to such party,
 - (c) Ordinary post to any party which may be absent on the date if due notice of the date of decision is given to such party.

- (5) After the decision of the case, if the adjudicating authority is a nominee or the board of nominees it shall return all the case papers to the Registrar.

71 Summary procedure for deciding disputes: - (1) Subject to the provisions of sub-section (7) of Section 99, the following disputes, if the disputant so desires, shall be decided in the summary manner prescribed under this rule, namely: —

Summary
procedure for
deciding disputes

- (a) any dispute for recovery of debt upon promissory note, hundi, bill of exchange or bond, with interest where agreed upon under such instrument or under the by-laws;
 - (b) any dispute for recovery of a fixed sum of money, in the nature of a debt, with or without interest, arising on a written contract, but other than penalty or on guarantee;
 - (c) any dispute for recovery of price of goods sold and delivered, where the rate, quality and quantity are admitted in writing;
 - (d) any dispute for recovery of dues payable in respect of a tenement by a member of a housing society towards contribution for construction of the tenements in respect of repayment of any loan, interest on loan, ground rent, local authority taxes, sinking fund, water charges, electric charges, repairs, maintenance and upkeep charges or charges for other services rendered by the society and the interest on such arrears payable under a written agreement or the by-laws or the tenancy regulations.
- (2) In such cases, the disputants shall, in addition to the normal averments, make the following averments, namely: —
- (a) that the claim of the disputant is for recovery of liquidated sum of money only and no other relief beyond the scope of this rule is claimed in this dispute;
 - (b) that the disputant believes that there is no valid or bona fide defense to his claim.
- (3) In such cases, the opponent shall not be entitled to defend the claim, and the disputant shall be entitled to the award in his favour as prayed and for such sum for costs as may be awarded by the Registrar or the Court.
- (4) (a) Within ten days from the service of a notice calling upon the opponent to obtain leave from the Registrar or the Court, to appear and defend the claim, the opponent or such of the opponents as are interested in defending the claim shall apply to the Registrar or the Court, as the case may be, by an affidavit or a declaration for the leave, setting out the facts on which he relies and what triable issues are likely to arise. The opponent shall in such application disclose all the documents

supporting his contention and as far as possible attach copies of such documents which he considers important from his point of view. A copy of such application shall be served on the disputant and he shall have a right to file a rejoinder in the form of an affidavit or declaration and place before the deciding authority such material as in his opinion supports his contentions.

- (b) The Registrar or the Court, on reading the affidavits and declarations and on hearing the parties and their pleading and considering the documents relied on and produced by them, may pass an award or grant leave to defend to such of the opponents, unconditionally or upon such conditions, as the deciding authority may think fit under the circumstances and on facts of the case. The Registrar or the Court granting leave to defend shall also give directions and prescribe time limit for filing the written statement and fix the date for hearing. Leave may be granted to some and may be refused to other opponents. If leave is granted and not complied with by any opponent, the deciding authority may pass an award against him, as if he had not been granted leave.
- (c) If the conditions on which leave to defend is granted are not complied with by any opponent, the Registrar or the Court may pass an award against him, as if he had not been granted leave.
- (d) The Registrar or the Court may, for sufficient case, excuse the delay in applying for leave to defend any case.
- (e) The Registrar or the Court may, under special circumstances, set aside the award, and if necessary, stay or set aside execution, and may give leave to the opponent to appear and defend the dispute, if it seems reasonable to the deciding authority so to do, and on such terms as it thinks fit.

72 Summons, notices and Mode of service of summons/notices: - (1)

Every summons/notice issued under the Regulation shall be authenticated by the seal, if any, of the officer by whom it is issued and shall be signed by such officer or by any person authorised by him in writing in that behalf.

Summons,
notices and
Mode of service
of
summons/notices

It shall require the person summoned to appear before the said officer at a stated time and place, and shall specify whether his attendance is required for the purpose of giving evidence, or to produce a document or for both purposed; and any particular document, the production of which is required, shall be described in the summons with reasonable accuracy.

- (2) Any person may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce documents shall be deemed to have complied with the

summons if he causes such document to be produced, instead of attending personally produce the same.

(3) The service of summons under the Regulation on any person may be affected in any of the following ways: -

- (a) by giving or tendering it to such person; or
- (b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or
- (c) if the address of such person is known to the Registrar or other authorised person, by sending it to him by registered post; or
- (d) if none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of abode or business.
- (e) if the party or the witness evades service, of summons or notice or refuses to accept service, or whereabouts of the party or witness are not known, the summons or notice may be served by affixing a copy thereof at the last known residence of the party or witness and if such address is not known the summons or notice may be affixed at the office of the panchayat of a gram or municipal office of the town or city in which such party or witness is known to have last resided or by publication of the same in any local newspaper.

(4) Where the serving officer delivers or tenders copy of the summons to the defendant personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original summons.

(5) The serving officer shall in all cases in which the summons has been served under sub-rule (4), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

(6) Where the defendant is a public officer or is a servant of a local authority the officer issuing the summons may if it appears that the summaries may be most conveniently so served, send it by registered post pre-paid for acknowledgement for service or the defendant, to the head of the office in which he is employed together with a copy to be retained by the defendant.

73 Procedure for the custody of property attached under Section 100: -

(1) Where the property to be attached is moveable property, other than agricultural produce, in the possession of the debtor, the attachment

shall be made by actual seizure and the attaching officer shall keep the property in his own custody or in the custody of One of his subordinates, or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) When it appears to the officer ordering conditional attachment under Section 100 to be just and convenient, he may appoint a Receiver for the custody of the moveable property attached under that section and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908.

(3) (a) Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge.

(b) The order shall be proclaimed at some place on, or adjacent to, such property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the village panchayat office, and where the property is land paying revenue to the Administration, also in the office of the Collector of the district and in the office of the Deputy Collector or any other revenue officer within whose jurisdiction the property is situated.

74 Procedure for attachment and sale of property for realisation of any security given by person in course of execution proceedings: - The procedure laid down in Rules 71 and 73 shall mutatis mutandis apply for attachment and sale of property for the realisation of any security given by a person in the course of execution proceedings.

75 Procedure for execution of awards and Recovery of costs of execution when property is not sold: -

(1) Every order or award passed by the adjudicating authority under section 100 or section 101 shall after the expiry of the period for appeal under section 102, be forwarded by the Registrar to the society or to the party concerned with instructions that it should be executed forthwith according to the provisions of section 103.

(2) If the amount due under the award is not forthwith recovered or the order is not carried out, the award or as the case may be, the order shall be forwarded by the society or the party concerned to the Registrar with an application for execution along with all other information required by the Registrar for the issue of certificate under section 103. The applicant

shall state whether he desires to execute the award or as the case may be order by the civil court or through the Collector as provided under section 103.

- (3) Every order passed in appeal under section 102 shall also be executed in the manner prescribed under sub-rule (2).
- (4). When recovery is made under section 103 in execution of any order referred to in the said section and property is not sold in such execution, the Registrar may order the expenses of such recovery to be paid by the party in default according to a scale laid down by him not exceeding in aggregate 10 per cent of the amount of the dues.

76 Transfer of property: -

- (1) When in the execution of an order sought to be executed under section 103 any property cannot be sold for of some person on his behalf or of some persons claiming it under a title event of buyers, and such property is in the possession of the defaulter, or created by the defaulter subsequently to the issue of the certificate by the Registrar or liquidator under the said section 103 the officer conducting the execution shall as soon as practicable report the fact to the Court or the Collector or the Registrar as the case may be, and to the society which applied for the execution of the said order.
- (2) On receipt of a report under sub-rule (1) the society may within six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the Collector or the Registrar, as the case may, submit an application in writing to the Court or the Collector or the Registrar, as the case may be, stating the terms and conditions on which it agrees to take over such property.
- (3) On receipt of an application under sub-rule (2) notices about the intended transfer shall be issued to the defaulter and to all persons known to be interested in the property including those whose names appear in the Record of rights as persons holding any interest in the property.
- (4) On receipt of such a notice, the defaulter or any person owning such property, or holding an interest therein by virtue of a title acquired before the date of the issue of a certificate under section 103 may within one month from the date of the receipt of such notice, deposit with the Court or the Collector or the Registrar, as the case may be, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the Collector.

Transfer of
property

-
- (5) On failure of the defaulter, or any person interested, or any person holding any interest in the property to deposit the amount under sub-rule (4) the Court or the Collector or the Registrar, as the case may be, shall direct the property to be transferred to the society on the conditions stated in the certificate in the **Form N** such recovery to be paid by the party in default according to a scale laid down by him not exceeding in aggregate 10 per cent of the amount of the dues.
- (6) The certificate granted under sub-rule (5) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.
- (7) if the property is transferred to the society in partial satisfaction of the amount due to it from the defaulter, the Court or the Collector or Registrar as the case may be, shall on the production by the society of a certificate signed by the Registrar, recover the balance due to the society in the manner prescribed in section 103.
- (8) The transfer of the property under sub-rule (5) shall be affected as follows
- (a) in the case of movable property
- (i) where the property is in the possession of the defaulter himself or has been taken possession of on behalf of the Court or the Collector or the Registrar it shall be delivered to the society;
- (ii) where the property is in the possession of some person on behalf of the defaulter, the delivery thereof shall be made by giving notice to the person in possession directing him to give actual peaceful possession to the society and prohibiting him from delivering possession of the property to any other person;
- (iii) the property shall be delivered to a person authorised by the society to take possession on behalf of the society.
- (b) in the case of immovable property,
- (i) where the property is a growing or standing crop. it may be delivered to the society before it is cut and gathered and the society shall be entitled to enter on the land and to do all that is necessary for the purpose of tending cutting and gathering it;
- (ii) where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by the defaulter subsequent to the issue of a certificate under section 103 the Court or the Collector or the Registrar, as the case may be, shall order delivery to be made by putting the society or any person whom the society may appoint to receive delivery on its behalf in actual possession of the property and if need be, by removing any person who illegally refuses to vacate the same after

holding an enquiry as provided in rules 13-A to 13-C of the rules regulating execution of decrees transferred to the Collector under Section 68 of the Code of Civil Procedure, 1908;

(iii) where the property is in the possession of tenant or other person entitled to hold the same by a title acquired before date of issue of a certificate under section 103, the Court or the Collector or Registrar, as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the society on some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode at some convenient place, that the interest of the defaulter has been transferred to the society.

- (9) The society shall be required to pay expenses incidental to sale including the cost of maintenance of live-stock, if any. according to such scale as may be fixed by the Administration from time to time.
- (10) Where land is transferred to the society under clause(ii) (a) of sub-rule (8) before a growing or standing crop is cut and gathered the society shall pay the current years land revenue.
- (11) The society shall forthwith report any transfer of property under clause (ii) (b) or (c) of sub-rule (8) to the village accountant for the information and entry in the Record of Rights.
- (12) The society to which property is transferred under sub-rule (5) shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrance, land revenue and other dues on the property and all the income derived from it.
- (13) The society to which property is transferred under sub-rule (5) shall use its best endeavor to sell the property as soon as practicable to the best advantages of the society as well as that of the defaulter, the first option being always to be given to the defaulter who originally owned the property. The sale shall be subject to confirmation by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the society and referred to in sub-rule (9) and (12) and to the payment of the arrears due by the defaulter under the order in execution and the surplus (if any) shall then be paid to the defaulter.
- (14) Until the property is sold, the society to which the property is transferred under sub-rule (5) shall use its best endeavors to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.
- (15) When the society to which property is transferred under sub-rule (5) has realised all its dues under the order in execution of which the

property was transferred from the proceeds of management of the property, the property if unsold, shall be restored to the defaulter.

Chapter X

Liquidation

77 Liquidation: -

A copy of an interim order made on a ground specified in clause (a) or sub-clause (iv) of clause (c) of sub-section (1) of section 107 shall be communicated by the registered post.

Liquidation

78 Cost of hearing an appeal: -

No application under section 109 shall be entertained from a member unless it is accompanied by Rs. 500/- or such higher amount not exceeding Rs. 2500/- in any case, as may be ordered by the appellate authority as security for the cost of hearing the appeal.

Cost of hearing
an appeal

79 Appointment of Liquidator and the procedure to be followed and powers to be exercised by him: -

The following procedure shall be adopted for the appointment of the Liquidator and for the exercise of his powers, namely: —

Appointment of
Liquidator and
the procedure to
be followed and
powers to be
exercised by him

- (1) The appointment of the Liquidator shall be notified by the Registrar in the Official Gazette.
- (2) As soon as may be after the interim order is issued under Section 107, the Liquidator shall take over the custody and control of all the property, effects and actionable claims and books, records and other documents pertaining to the business of the society and continue to hold custody and control thereof until the interim order is vacated.
- (3) Where the interim order is vacated, the Liquidator shall take action in accordance with the provisions of sub-section (6) of Section 108.
- (4) Where the Liquidator receives the Registrar's final order confirming the interim order, the Liquidator shall publish by such means as he may think proper a notice requiring all claims against the society to be notified to him within two months of the publication of the notice and shall thereafter proceed to take such further action as he is empowered to take under the Regulation. All liabilities recorded in the account books of the society shall be deemed ipso facto to have been duly notified to the Liquidator under this rule.
- (5) The Liquidator shall, after settling the assets and liabilities of the society as they stood on the date on which the order for winding up is made, proceed to determine the contribution to be made or remaining to be made to the assets of the society by persons and estates referred to in clause (h) of Section 110 and by order call upon each of them to pay the amount specified in the order as contribution and as costs of the

liquidation determined under clause (k) of Section 110. Every such order shall be submitted for approval to the Registrar, who may modify it or refer it back to the Liquidator for further inquiry or other action or may forward it for execution under Section 103.

- (6) If the sum assessed against any member is not recovered, the Liquidator may issue subsidiary order or orders against any other member or members to the extent of the liability of each for the debts of the society until the whole amount due from members is recovered. The provisions of sub-rule (5) shall mutatis mutandis apply to such orders.
- (7) The Liquidator shall submit a quarterly progress report and such other returns and statements to the Registrar in **Form P**, showing the progress made in the liquidation of the society.
- (8) The Liquidator may empower any person, by general or special order in writing, to make collections and to grant valid receipts on his behalf.
- (9) Unless otherwise permitted by the Registrar, all funds in charge of the Liquidator shall be deposited as provided in section 62 and shall stand in the name of the Liquidator.
- (10) The Registrar shall fix the amount of remuneration, if any, to be paid to the Liquidator. The remuneration shall be included in the cost of liquidation which shall be payable out of the assets of the society in priority to other claims.
- (11) The Liquidator shall have power to call meetings of members of the society in liquidation.
- (12) The Liquidator may submit an application to the Registrar for the reconstruction of the society under Section 20 if he is of opinion that such reconstruction has a reasonable chance of success.
- (13) The Liquidator may, at any time, be removed by the Registrar and he shall on such removal be bound to hand over all the property and documents relating to the society in liquidation to such person or persons as the Registrar may direct.
- (14) (a) The Liquidator shall not exercise the powers under clauses (c), (d), (e), (f), (g), (h) and (k) of Section 110 without the prior approval of the Registrar.
(b) An appeal against the order of the Liquidator under clauses (a), (b), (i), (j), (l), (m) and (n) of Section 110 shall lie to the Registrar.
- (15) The Liquidator shall keep such books and accounts as may from time to time be required by the Registrar.
- (16) At the conclusion of the liquidation proceedings, a general meeting of the members of the society shall be called. At such meeting, the

Liquidator shall summarise his proceedings, point out causes of the failure of the society, and report what sum, if any, remains in his possession after meeting all the liabilities of the society as determined under these rules and suggest how the surplus, if any, should be utilised.

80 Disposal of records of society whose registration is cancelled:- (1) As

soon as may be after the affairs of a society for which a Liquidator has been appointed have been wound up and an order cancelling the registration is made under Section 21, the Liquidator shall forward all the books and records of the wound-up society, and all his own papers and proceedings, to the Registrar together with an account of his expenses, showing how the balance has been disposed of, and attaching the receipt of the person to whom it was handed over.

Disposal of records of society whose registration is cancelled

- (2) All the books and records of a society, whose registration has been cancelled, and the proceedings of liquidation, shall be destroyed by the Registrar after the expiry of two years from the date of the order cancelling the registration of the society, if no legal proceeding is pending before any authority.

Chapter XI

Ensurance of certain things by Committee of cooperative bank

81 Form of information under section 118 (a):-

The Information to be sent regarding the loans taken from the bank by each committee member, members of the family and companies with which he is associated in clause (a) of section 118 shall be in **Form O**

Form of information under section 118

Chapter XII

Appeals, Review and Revision

82 Qualifications of President and other members of the Cooperative Tribunal, and their appointment:- (1) The Administrator shall appoint a

person who is holding or has held a judicial office not lower in rank than that of Chief Judicial Magistrate or has held the office of the Secretary to the Government in the Department of Cooperation to be the President of the Co-operative Tribunal.

Qualifications of President and other members of the Cooperative Tribunal, and their appointment

- (2) Each of the other members of the Co-operative Tribunal to be appointed by the Administrator shall be a person, —

(a) who has held office not lower in rank than that of Assistant Registrar of Cooperative Societies for not less than five years.

(b) who is holding or has held a judicial office not lower in rank than that of Judicial Magistrate First Class or equivalent post.

(c) who is enrolled as an Advocate, or holds a degree or other qualification in law of any University established by law or of any

other authority which entitles him to be enrolled as an Advocate, and either has held office not lower in rank than that of Deputy Secretary to Union Territory for no less than three years.

- (3) No person shall hold or continue to hold the office of the President after he attains the age of sixty-five years and of any other member of the Appellate Court after he attains the age of sixty-two years.
- (4) If the President or any other member of the Co-operative Tribunal is in service with Administration at the time of his appointment, his pay, allowances and other conditions of service shall continue to be governed by the service conditions rules applicable to him before such appointment, and if he is a direct recruit, his pay, allowances and other conditions of service shall be governed by the rules made by the Administration from time to time.
- (5) Subject to sub-rule (3) and save as otherwise specified by the Administrator in any case, the President and any other member of the Co-operative Tribunal shall hold office for a period of three years in the first instance, and thereafter his term of office may be extended by the Administrator, from time to time, for such period as it may deem fit.
- (6) In the event of the occurrence of any vacancy in the office of the President of the Co-operative Tribunal, the senior-most member having judicial experience shall act as President.
- (7) The Headquarter of the Co-operative Tribunal shall be Kavaratti.

83 Procedure of appeal and procedure after presentation of appeal: -

- (1) Every appeal under section 126 shall be in the Form of memorandum, which shall
 - (a) be either type written or written in ink in legible hand,
 - (b) specify the name and address of the appellant and the name and address of the respondent or the opponent, as the case may be,
 - (c) state by whom the order against which the appeal is preferred was made,
 - (d) clearly state the grounds on which the appeal is made,
 - (e) state precisely the relief which the appellant claims,
 - (f) state the date of the order or decision appealed against.
- (2) An appeal shall be presented in person by the appellant or by his duly appointed agent to the appellate authority during the office hours or sent by registered post.

Procedure of
appeal and
procedure after
presentation of
appeal

- (3) On receipt of an appeal, the appellate authority shall examine it and if it is found that it is in order as provided in sub-rule (1) it shall be registered in the appropriate register maintained for this purpose.
- (4) If the appeal is found to be defective in certain respects, the Appellate authority may call upon within such time not more than 15 days in any case to remedy the formal defects pointed out in the appeal.
- (5) if the party concerned or his agent fail to remedy the defects within the prescribed time the appellate authority shall fix a date for preliminary hearing of the appeal of which due notice shall be given to the party concerned.
- (6) On the date fixed under sub-rule (4) the appellate authority shall hear the party or his agent. if present, and pass orders either directing that the appeal be admitted or rejecting the appeal. Where the appeal is rejected, the appellate authority shall record its reasons for doing so.

84 Notice to respondent or opponent: -

After an appeal is admitted, a notice shall be delivered or sent by registered post to the respondent or opponent calling upon him to appear before the appellate authority on the date specified in the notice. The notice shall also declare that if he does not appear before the appellate authority either in person or through an agent on the date specified in notice or on any subsequent date to which the hearing may be adjourned, the appellate authority shall hear and decide the appeal ex-parte

Notice to
respondent or
opponent

85 Procedure at the hearing: -

On the date fixed for hearing or on any other date to which the hearing may be adjourned, the appellant or his agent, or if permitted by the appellate authority, his pleader shall ordinarily be heard first in support of his appeal. The respondent or the opponent or his agent or. if permitted by the authority, his pleader, shall if necessary be heard next and in such case the appellant or his agent or his pleader shall be entitled to reply.

Procedure at the
hearing

86 Hearing in absence of the parties: -

- (1) if, on the date fixed for hearing or on any other day to which the hearing may be adjourned the appellate does not appear either in person or by his agent or pleader when the appeal is called for hearing, the appellate authority may dismiss the appeal or may decide it on merits, after hearing the respondent or opponent or his agent or pleader, if present.
- (2) if, on the day fixed for hearing or any other day to which the hearing may be adjourned, the respondent or opponent does not appear either in person or through his agent or pleader if permitted, when the appeal is called for hearing, the appellate authority may decide the same on merits after hearing the appellant or his agent or pleader if he be present.

Hearing in
absence of the
parties

87 Restoration of appeals decided ex-parte:-

If any of the parties was absent at the date of hearing and the appeal was heard and decided ex-parte, the party concerned may apply for restoration of appeal and if the party satisfies the appellate authority that he had no notice of the date of hearing or that he was prevented from any sufficient cause from appearing when the appeal was called for hearing the appellate authority may restore the appeal to its file:

Restoration of
appeals decided
ex-parte

Provided that where the other party has appeared in the appeal such party shall be given notice and an opportunity of being heard before the order for restoration of the appeal is made.

88 Fresh evidence and witnesses: -

(1) No party to an appeal shall be entitled to adduce fresh evidence whether oral or documentary before the appellate authority. The appellate authority may accept documents tendered by a party or call for the same if it is of opinion that they are necessary for deciding the appeal, provided that the other party shall in that case be entitled to produce rebutting evidence.

Fresh evidence
and witnesses

(2) If the Appellate Authority is of opinion that any witness should be examined, it may do so, if it is necessary for deciding the appeal.

(3) Where fresh evidence has been adduced under sub-rule (1) or a witness has been examined as provided in sub-rule (2) the parties may, if they so desire address the appellate authority on points arising out of the fresh evidence or the deposition of the witness.

89 Adjournment:-

The Appellate Authority may on such terms as it thinks fit and at any stage, adjourn the hearing of any appeal

Adjournment

90 Procedure in case of death of one of several appellants or of sole appellant: -

If an appellant dies, while the appeal is pending and it cannot be proceeded with unless his legal representative is made a party to the appeal the appellate authority shall adjourn further proceedings to enable his legal representative to appear and apply for being made a party. If the legal representative falls to do so within 90 days from the date on which the appellant dies, the appeal shall abate as regards the deceased and if he be the sole appellant the appeal shall be dismissed, it shall be proceeded with as regards the remaining appellants

Procedure in
case of death of
one of several
appellants or of
sole appellant

91 Procedure in case of death of one of several respondents or opponents or sole respondent or opponent: -

If respondent or opponent dies while the appeal is pending, and it cannot be proceeded with unless his legal representative is made a party to the

appeal, the appellant shall apply to the appellate authority for making the legal representative of such a respondent or opponent a party to the appeal within 90 days from the date on which the respondent or opponent died. If the appellant fails to do so, the appeal shall abate as regards the deceased. If the deceased be the sole respondent or opponent, the appeal shall be dismissed, in any other case it shall be proceeded with as regards the remaining respondents or opponents.

Procedure in case of death of one of several respondents or opponents or sole respondent or opponent

92 No abatement by reason of death after hearing: -

Notwithstanding anything contained in rules 90 and section 91, there shall be no abatement by reason of the death of any party, between the conclusion of the hearing and the pronouncement of the judgment, but the judgment may in such case be pronounced notwithstanding the death, and shall have the same force and effect as if it had been pronounced before the death took place. No legal representative need be made party in such case.

No abatement by reason of death after hearing

93 Determination of legal representative: -

If a question arises in any appeal where a person is or is not a legal representative of a deceased party, such question may be determined by the appellate authority in a summary way after taking evidence if necessary

Determination of legal representative

94 Abatement or dismissal for failure of legal representative to apply in time may be set aside: -

A person claiming to be a legal representative of a deceased appellant or assignee or receiver of an insolvent appellant may apply within 60 days from the date of abatement or dismissal of the appeal to have the abatement or dismissal set aside, and if it is proved to the satisfaction of the appellate authority that he was prevented by, sufficient cause from appearing within time, the abatement or dismissal shall be set aside by the appellate authority and the appeal proceeded with.

Abatement or dismissal for failure of legal representative to apply in time may be set aside

95 Procedure in case of insolvency: -

If a party to an appeal becomes insolvent and his estate, becomes vested in the assignee or receiver, the latter may, by leave of the appellate authority be made a party to the appeal.

Procedure in case of insolvency

96 Pronouncement of judgment and costs of appeal: -

(1) When the hearing of the appeal is complete, the appellate authority shall pronounce its judgment forthwith or shall fix a date for the same. Such date shall be notified on the notice board of the appellate authority.

Pronouncement of judgment and costs of appeal

(2) Every judgment of the appellate authority shall be in writing.

(3) The appellate authority shall in its judgment state at the end, whether the appeal is dismissed or allowed wholly or in part and mention, the relief if any, granted to the appellant.

(4) The costs of the appeal shall be in the discretion of the appellate authority in its final order. The appellate authority shall state who shall bear the cost and in what proportion. if any

97 Supply of certified copies: -

Supply of
certified copies

Certified copies of the judgment shall be supplied free of cost on application to the parties concerned

98 Procedure for recovery of sums due to Administration: –The provisions of rule 138 shall apply in regard to the recovery of any sum due to Administration as “decree-holder” subject to the following modification, namely;

Procedure for
recovery of sums
due to
Administration

(1) The Registrar of the place in which the cause of action arose may, of his own motion, take any steps which he may deem suitable in the matter of such recovery in accordance with the provisions of that rule, without any applications having been made to him in that behalf.

(2) It shall not be necessary to deposit any sum by way of costs.

(3) It shall not be necessary for the sale officer to give the decree-holder previous notice, of the intention to serve the demand notice on the defaulter and, in default of payment to distrain his property. Nor shall the provision of that clause which empowers the sale officer to require decree-holder to undertake the custody of the distrained property apply.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder.

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder.

(6) The Registrar shall himself obtain the encumbrance certificate required to be furnished by the decree-holder.

(7) The payments required to be made shall be made to the sale officer on behalf of the decree-holder.

(8) The application shall be made by the sale officers on behalf of the decree-holder.

CHAPTER XIII

Procedure for recovery of certain sums by attachment and sale of property of defaulter under section 132.

99 Application: -

- (1) Any decree-holder desiring to recover any amount or sum mentioned in sub-section (1) of section 132 may make an application to the Recovery Officer and shall deposit the necessary costs on a scale specified by the Registrar.
- (2) Every such application shall be made in the form specified by the Registrar and shall be signed by the decree-holder. The decree-holder may indicate whether he wishes to proceed against the immovable property mortgaged to the decree-holder or other immovable property or to secure the attachment of movable property.
- (3) On receipt of such application, the Recovery Officer shall verify the correctness and genuineness of the particulars set forth in the application with the record, if any, in the office of Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar, setting forth the name of the defaulter and the amount due and forward it to the Sale Officer.

Application

100 Mode of attachment: -

Where attachment is required before sale, the Sale Officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulters last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place or adjacent to such property and at such place or places as the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that, unless the amount due with interest and expense be paid within the date therein mentioned the property will be brought to sale. A copy shall be sent to the decree-holder. Where the Sale Officer so directs the attachment shall also be notified by public proclamation in the Official Gazette.

Mode of
attachment**101 Proclamation before sale: -**

Proclamation of sale shall be published by affixing a notice in the office of the Recovery Officer and the panchayat office at least thirty days before the date fixed for the sale and the Recovery Officer shall cause the publication of the proclamation regarding the time and place of intended sale to be made by beat of drum or other customary mode in the village on the day prior to a fortnight and on two consecutive days previous to the date fixed for sale and on the date of sale prior to the commencement of the sale. Such proclamation shall where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the decree-holder and the defaulter.

Proclamation
before sale

The proclamation shall state the time and place of sale and specify as fairly and accurately as possible:

- (1) The property to be sold,
- (2) any encumbrance to which the property is liable,
- (3) the amount, for the recovery of which sale is ordered, and
- (4) every other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of the property

102 Sale by public auction: -

When any immovable property is sold under these rules the sale shall be subject to the prior encumbrances on the property, if any. The decree holder shall, when the amount for the realisation of which sale is held exceeds Rs. 100 furnish to the Sale Officer within such time as may be fixed by him or by the Recovery Officer, an encumbrance certificate from the Registration Department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in a case falling under the proviso to rule 120 prior to the date of attachment of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Recovery Officer as the case may be. The sale shall be by public auction to the highest bidder, provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons and provided also that the Recovery Officer or the Sale Officer may in his discretion, adjourn the Sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than 7 days, a fresh proclamation shall be made, unless the judgment debtor consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Recovery Officer. The time and place of sale shall be fixed by the Recovery Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the said Recovery Officer:

Sale by public
auction

Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from the village secretary in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in the place, of an encumbrance certificate.

103 Order in which proceedings shall be taken: -

Unless the decree-holder has expressed a desire that proceedings should be taken in a particular order, the execution shall ordinarily be taken in the following manner:

Order in which
proceedings
shall be taken

- (1) Movable property of the defaulter shall be first proceeded against but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity.
- (2) If there is no movable property, or if the sale proceeds of the movable property attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property mortgaged to the decree-holder, or other immovable property belonging to the defaulter may be proceeded against.

104 Distress by Sale Officer: -

Distress by Sale
Officer

- (1) The Sale Officer, shall after giving previous notice to the decree-holder, proceed to the village or town where the defaulter resides or the property to be distrained is situated and serve a demand notice upon the defaulter If he is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the defaulter a list of inventories of the property distrained and an intimation of place and day and hour at which the distrained property will be brought to sale If the amounts due are not previously discharged. If the defaulter is absent, the Sale Officer shall serve the demand notice on some male member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of the property the place where the property may be lodged or kept and an intimation of the place, day, and hour of sale.
- (2) The distress shall be made after sunrise and before sunset and not at any other time.
- (3) The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.
- (4) It shall be lawful for the Sale Officer to force open any stable, cow-house, granary, godown, out-house or other building and he may also enter any dwelling house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property, belonging to a defaulter and lodged therein, provided always that it shall not be lawful for the officer to break open or enter apartment in such dwelling house appropriated for the zanana or residence of women except as provided in sub-rule (5).
- (5) Where the Sale Officer may have reason to suppose that the property of a defaulter is lodged within a dwelling house the outer door of which may be shut or within any apartments appropriated to women which by the custom or usage are considered private, the Sale Officer shall represent the fact to the Officer-In-charge of the nearest police station.

On such representation the officer-In-charge of the said police station shall send a police officer to the spot in the presence of whom the Sale Officer may force to open the outer door of such dwelling house, in like manner as he may break open the door of any room within the house except the Zanana. The Sale Officer may also, in the presence of a police officer, after due notice given for the removal of women within Zanana and after furnishing means for their removal in a suitable manner (if they be women of rank, who, according to the custom or usage cannot appear in public) enter the Zanana apartments for the purpose of distraining the defaulter's property. If any, deposited therein, but such property. If found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.

105 Custody of distrained property: -

Custody of
distrained
property

- (1) After the distress is made, the Sale Officer may arrange for the custody of the property attached with the decree-holder or otherwise.
- (2) If the Sale Officer requires the decree-holder to undertake the custody of the property he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is live-stock, the decree-holder shall be responsible for providing the necessary food therefor.
- (3) The Sale Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such defaulter or person, if he enters into a bond in the form specified by the Registrar with one or more sufficient sureties for the production of the property when called for.

106 Manner of dealing with distrained crops:-

If crops or un-gathered products of the land belonging to a defaulter are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. The expense of reaping or gathered and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

Manner of
dealing with
distrained crops

107 Distrained cattle or property not to be used: -

The Sale Officer shall not work the bullocks or cattle or make use of the goods or effects distrained. He shall provide the necessary food for the cattle or livestock, but the expense attending which shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

Distrained cattle
or property not to
be used

108 Proclamation regarding time and place of sale: -Proclamation
regarding time
and place of sale

- (1) The proclamation regarding sale shall be published at least 15 days before the date fixed for sale by affixing a notice, in the office of the Sale Officer and the village panchayat office or some other public building in the village in which such property was seized. The Sale Officer shall, on the day prior to a fortnight before the date fixed for sale and a day prior to the day of sale and also on the day of sale cause the publication of proclamation regarding the time and place of the intended sale to be made by beat of drum or in some other way in the village or town in which the defaulter resides and in such other place or places as the officer may consider necessary to give due publicity to the sale.
- (2) No sale shall take place on Sunday or other public holiday as so declared by the Administration, nor until after the expiration of a period of fifteen days from the date on which the notice was served or affixed in the manner prescribed in rule 98:

Provided that where the property seized is subject to speedy and natural decay or where the expenses of keeping in custody are likely to exceed its value, the sale officer may cause the same to be sold any time before the expiry of the said period of fifteen days, unless the amount due is sooner paid.

109 Manner of conducting sale: -Manner of
conducting sale

- (1) At the appointed time the property shall be put up in one or more lots, as the Sale Officer may consider advisable, and shall be disposed of to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons.

- (2) Where the property is sold for more than the amount due the excess amount, after deducting the interest and the expenses of process and the other charges, shall be paid to the defaulter.
- (3) The Recovery Officer or the Sale Officer may in his discretion adjourn the sale to a specified day and hour recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than 7 days, a fresh proclamation under rule 108 shall be made unless the judgment debtor consents to waive it.

110 Payment of property purchased: -

The property shall be paid for in cash or any permitted digital mode as may be permitted by the sale officer at the time of sale or at such time as the Sale Officer may appoint and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full. Where the

Payment of
property
purchased

purchaser falls in the payment of purchase money, the property shall be resold.

111 Restoration of property by Court: -

Where it is proved to the satisfaction of any civil court of competent jurisdiction that any property which has been distrained under these rules, has been forcibly or clandestinely removed by any person, the court may order forthwith such property to be restored to the Sale Officer.

Restoration of
property by Court

112 Cancellation of order of attachment on payment of money: -

If before the auction has commenced, the defaulter or any person acting on his behalf or any person claiming an interest in the property attached pays the full amount due including interest, allowances and other cost incurred in attaching the property the sale officer shall cancel the order of attachment and released the property forthwith

Cancellation of
order of
attachment on
payment of
money

113 Property exempts from attachment: -

The movable properties mentioned as exempt from attachment in the proviso to Section 60 of the Code of Civil Procedure 1908, shall not be liable to attachment or sale under these rules.

Property
exempts from
attachment

114 Attachment of salary or allowances of public servant: -

Where the movable property to be attached is the salary or allowance or wages of a public officer or of a servant of a local authority or a firm or a company, the Recovery Officer may, on receiving a report from the Sale Officer, order that the amount shall, subject to the provisions of section 60 of the Code of Civil Procedure, 1908, be withheld from such salary or as the said Recovery Officer may direct and upon notice of the order, the officer or other persons whose duty is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under the order or the monthly instalment as the case may be.

Attachment of
salary or
allowances of
public servant

115 Attachment of share or interest in movables: -

Where the property to be attached consist of the share or interest of the defaulter in movable property belonging to him and another as co-owner the attachment shall be made by a notice to the defaulter, prohibiting him from transferring the sale or interest or charging it in any way.

Attachment of
share or interest
in movables

116 Attachment of negotiable instruments: -

Where the property to be attached is negotiable instrument not deposited in a Court, nor in custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of Recovery Officer ordering the attachment and be held subject to his further orders.

Attachment of
negotiable
instruments

117 Attachment of property in custody of court or public servant: -

Where the property to be attached is in the custody of any court or public officer, the attachment shall be made by a notice to such court or officer, requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further orders of the Recovery Officer issuing the notice:

Attachment of
property in
custody of court
or public servant

Provided that where such property is in the custody of a court or Recovery Officer of another district, any question of title or priority

118 Attachment of decree: -

(1) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made by the order of the Registrar.

Attachment of
decree

(2) Where the Registrar makes an order under sub-rule (1) he shall, on the application of the decree holder who has attached the decree, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(3) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1), shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.

(4) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), the attachment shall be made by the issue of a notice by the Recovery Officer to the holder of such decree, prohibiting him from transferring or charging the same in any way.

(5) The holder of a decree attached under this rule shall give the Recovery Officer executing the decree such information and aid as may reasonably be required.

(6) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Recovery Officer making an order of attachment under this rule shall give notice of such order to the judgment debtor bound by the decree attached, and no payment or adjustment of the attached decree made by the judgment debtor in contravention of such order after receipt of notice thereof, either through the said Recovery Officer or otherwise, shall be recognised so long as the attachment remains in force.

119 Attachment of debt etc.: -

(1) Where the movable property to be attached is a debt due to the defaulter in question, or a share in the capital of a corporation or a deposit

invested therein, or other movable property not in possession of the defaulter, except property deposited in or in the custody of, any civil court, the attachment shall be made by a written order signed by the Recovery Officer.

Attachment of
debt etc.

- (2) In the case of a debt, such order shall prohibit the creditor from recovering the debt and debtor from payment thereof.
- (3) In the case of a share of deposit, such order shall prohibit the person in whose name the share or the deposit may be standing, from transferring the share or deposit or receiving any dividend or interest thereon.
- (4) In the case of any other movable property such order shall prohibit the person in possession of it from giving it over to the defaulter.
- (5) A copy of such order shall be sent in the case of the debt to the debtor, in the case of the share of deposit to the proper officer of the corporation and in the case of the other movable property (except as aforesaid) to the person in possession of such property. As soon as the debt or the deposit matures the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the said Recovery Officer shall arrange for its sale through a broker. When the share is withdrawal, its value shall be paid to the said Recovery Officer or to the party concerned as soon as it becomes payable. In the case of other movable property, the person concerned shall place it in the hands of the said Recovery Officer as it becomes deliverable to the defaulter.

120 Attachment before sale: -

Attachment
before sale

Immovable property shall not be sold in execution of decree unless such property has been previously attached:

Provided that where the decree has been obtained based on a mortgage of such property it shall not be necessary to attach it.

121 Application to state description of immovable property: -

Application to
state description
of immovable
property

Where it is proposed to recover the amount by sale of immovable property, the application presented under rule 96 shall contain a description, of the immovable property to be prescribed against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement or survey, the specification of such boundaries or numbers and the specification of the defaulters share or interest in such property to the best of the knowledge of the decree-holder and so far as he has been able to ascertain it.

122 Mode of service of demand notice: -

Mode of service
of demand notice

The demand notice to be prepared by the Recovery Officer under rule 99 shall contain the name of the defaulter, the amount due, including the expenses if any and the batta to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold

without attachment as the case may be. After receiving the demand notice the Sale Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family and his usual place of residence, or upon his authorised agent or, if such personal service is not possible, shall affix a copy thereof on some conspicuous part of the immovable property, about to be attached and sold without attachment, as the case may be: Provided that where the Recovery Officer is satisfied that a defaulter with intent to defeat or delay the execution proceeding against him is about to dispose of the whole or any part of his property, the demand notice shall not allow any time to the defaulter for payment of the amount due by him and the property of the defaulter shall be attached forthwith.

123 Procedure when defaulter neglects to pay: -

If the defaulter falls to pay the amount specified in the demand notice within the time allowed the Sale Officer shall proceed to attach and sell, or sell without attachment, as the case may be, the immovable property noted in the application for execution.

Procedure when
defaulter
neglects to pay

124 Deposit by purchaser and resale on default: -

A sum of money equal to 25 per cent of the price of the immovable property shall be deposited by the purchaser in the hands of the Sale Officer at the time of the purchase, and in default of such deposit shall forthwith be resold: Provided that where the decree-holder is the purchaser and is entitled to set off the purchase money under rule 127 the Sale Officer shall dispense with the requirements of this rule.

Deposit by
purchaser and
resale on default

125 Time for payment of balance of purchase money: -

The remainder of the purchase money and the amount required for general stamp for the sale certificate shall be paid within fifteen days from the date of sale:

Time for payment
of balance of
purchase money

Provided that the time for payment of the cost of stamp may for good and sufficient reasons, be extended at the discretion of the Recovery Officer up to thirty days from the date of sale:

Provided further that in calculating the amounts to be paid under this rule, the purchaser shall have the advantage of any set off to which he may be entitled under rule 128.

126 Procedure in default of payment: -

In default of payment within the period mentioned in rule 125, the deposit, may, if the Recovery Officer thinks fit after defraying the expenses of the sale be forfeited to the Administration and the defaulting purchaser shall forfeit all claims to the property or any part of the sum for which it may subsequently be sold.

Procedure in
default of
payment

127 Notification of resale: -

Every resale of immovable property in default of payment of the amounts mentioned in rule 128 within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale

Notification of
resale

128 Procedure when decree-holder purchases property: -

Where a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

Procedure when
decree-holder
purchases
property

129 Release of property on payment of amount due: -

Where prior to the date fixed for a sale the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment of the full amount due together with interest, and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Sale Officer shall forthwith release the property after cancelling where the property has been attached the order of attachment.

Release of
property on
payment of
amount due

130 Application to set aside sale on depositing amount due: -

- (1) Where immovable property has been sold by the Sale Officer any person either owning such property or holding any interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer for payment to the decree-holder, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount less amount which may since the date of such proclamation have been received by the decree-holder.

Application to set
aside sale on
depositing
amount due

- (2) If such deposit and application are made within thirty days from the date of sale, the Recovery Officer shall pass an order setting aside the sale and shall repay to the purchaser, the purchase money so far as it has been deposited together with the 5 per cent deposited by the applicant:

Provided that if more persons than one has made deposit and application under this sub-rule, the application of the first depositor to the officer authorised to set aside the sale, shall be accepted.

- (3) If a person applies under rule 130 to set aside the sale of immovable property, he shall not be entitled to make an application under this sub-rule

131 Application to set -aside sale on ground of irregularity or fraud: -

Application to set
-aside sale on

- (1) At any time within thirty days from the date of the sale of immovable property, the decree-holder or any person entitled to share in ratable distribution of the assets or whose interests are effected by the sale, may apply to the Recovery Officer to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

ground of
irregularity or
fraud

Provided that no sale shall be set aside on the ground of irregularity or fraud unless the said Recovery Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

- (2) If the application is allowed, the said Recovery Officer shall set aside the sale and may direct a fresh one.
- (3) On the expiration of thirty days from the date of sale if no application to have the sale set aside is made or if such application has been made and rejected, the said Recovery Officer shall make an order confirming the sale:

Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing set aside the sale.

- (4) Whenever, the sale of any immovable property is not so confirmed or is set aside the deposit or the purchase money, as the case may be, shall be returned to the purchaser.
- (5) After the confirmation of any such sale, the said Recovery Officer shall grant a certificate of sale bearing his seal and signature to the purchaser.
- (6) Such certificate shall state the property sold and the name of the purchaser, and it shall be conclusive evidence of the fact of the purchase in all courts and tribunals in which it may be necessary to prove it and so to all courts and tribunals in which it may be necessary to prove it and no proof of the seal or signature of the Recovery Officer shall be necessary unless the authority before whom is produced shall have reason to doubt its genuineness.
- (7) An order made under this rule shall be final, and shall not be liable to be questioned in any suit or other legal proceedings.

132 Delivery of possession: -

Where any lawful purchaser of immovable property is resisted and prevented by any person other than a person (not being the defaulter) claiming in good faith to be in possession of the property on his own account from obtaining possession of the immovable property purchased, any court of competent jurisdiction on application, and production of the certificate of

Delivery of
possession

sale provided for by rule 130 shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable, property purchased has been decreed to the purchaser by a decision of the court.

133 Sale of immovable property to be proportionate to amount due: -

It shall be lawful for the Sale Officer to sell the whole or any portion of the immovable property of a defaulter in discharge of money due: Provided that so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment if any and sale.

Sale of
immovable
property to be
proportionate to
amount due

134 Private alienation of property after attachment to be void:-

Where an attachment has been made under these rules, any private transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other moneys contrary to such attachment, shall be void as against all claims enforceable under the attachment. Explanation. -For the purpose of this rule, claim enforceable under the attachment includes claims for the ratable distribution of assets under rule 138

Private alienation
of property after
attachment to be
void

135 Process servers to be paid allowances: -

Person employed in serving notice or in other process under these rules shall be entitled allowances at such rates as may from time to time be fixed by the Recovery Officer.

Process servers
to be paid
allowances

136 Interest and other charges recoverable from sale proceeds: -

Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under these rules, exceeds the amount of the cost deposited by the decree-holder under rule 96. Such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the defaulter, as the case may be, and the balance shall be made available to the decree-holder

Interest and
other charges
recoverable from
sale proceeds

137 Receipt for payment: -

Every person making a payment towards any money due for the recovery of which application has been made under these rules shall be entitled to a receipt for the amount signed by the Sale Officer or other officer empowered by the Recovery Officer in that behalf, such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

Receipt for
payment

138 Investigation of claims and objections to attachment of property: -

- (1) Where any claim is preferred to, or any objection is made in the attachment of, any property attached under these rules on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose of it on the merits:

Investigation of
claims and
objections to
attachment of
property

Provided that no such investigation shall be made when the Sale Officer considers that the claim or objection is frivolous.

- (2) Where the property to which the claim or objection relates has been advertised for sale, the Sale Officer may postpone the sale pending the investigation of the claim or objection.
- (3) Where a claim or an objection is preferred to the party against whom an order is made may institute a suit within six months from the date of the order to establish the right which he claims to the property in dispute but, subject to the result of such suit, if any, order shall be conclusive.

139 Deficiency of price on re-sale recoverable from defaulting purchaser:

- (1) Any deficiency of price which may happen on a re-sale held under rule 127 by reason of the purchaser's default and all expenses attending such re-sale shall be certified by the Sale Officer to the Recovery Officer and shall, at the instance of either the decree holder or the defaulter be recoverable from the defaulting purchaser under provisions of these rules. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.
- (2) Where the property may on the second sale, sell for a higher price than the first sale, the defaulting purchaser at the sale, shall have no claim to the difference or increase.

Deficiency of
price on re-sale
recoverable from
defaulting
purchaser

140 Determination of attachment: -

Where any property has been attached in execution of a decree, but by reason of the decree-holder's default the Recovery Officer is unable to proceed further with the application of execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application the attachment shall cease.

Determination of
attachment

141 Ratable distribution of assets:

- (1) Where the Sale Officer attaches or has attached under these rules, any property not in the custody of any court, which is already under attachment made in execution of a decree of any court, such court shall receive and realise such property and shall determine claims thereto and any objections to the attachment thereof:

Ratable
distribution of
assets

Provided that where the property is under attachment in the execution of decree of more courts than one, the court which shall receive or realize

such property and shall determine any claim thereto and any objection to the attachment thereof shall be the court of the highest grade, or where there is no difference in grade between such courts, the court under whose decree the property was first attached.

(2) Where assets are held by the Sale Officer and before the receipt of such assets, demand notices in pursuance of applications for execution of decree against the same defaulting have been received from more than one decree-holder and the decree-holder have not obtained satisfaction, the assets after deducting the costs of realisation, shall be ratably distributed by the Sale Officer among all such decree-holders in the manner provided in section 73 of the Code of Civil Procedure. 1908.

142 Death of defaulter before execution: -

Where a defaulter dies before the decree has been fully satisfied an application under rule 96 may be made against the legal representatives of the deceased and thereupon all the provisions of these rules shall, save as otherwise provided in this rule, apply as if such legal representatives were the defaulter where decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and for the purpose of ascertaining such liability, the Recovery Officer executing the decree may, of his own motion or on the application of the decree holder, compel such legal representative to produce such accounts as he thinks fit.

Death of
defaulter before
execution

143 Contributions and fees to be credited to Administration: -

All contributions made under sub-section (2) of Section 95, all fees paid under subsection (3) of Section 113 shall be credited to the Administration.

Contributions
and fees to be
credited to
Administration

144 Communication of decision, award, etc.: - Any order, decision or award required to be communicated under the Regulation or these rules shall, unless otherwise specifically provided in the Regulation or these rules, be posted to the last address of the party as given by the party under intimation to the society, with instructions to display a copy thereof on its notice board.

Communication
of decision,
award, etc

145 Agreement under section 131: -

An agreement under section 131 shall be in **Form Q**

Agreement under
section 131

146 Power to exempt from rules

The Union Territory Administration may, by general or special order, exempt any co-operative society or any class of societies from any of the provisions of these rules or may direct that such provisions shall apply to such co-operative society or class of co-operative societies with such modifications or conditions as may be specified in the order.

Power to exempt
from rules

147 Removal of Doubt: -

Removal of
Doubt

If any doubt arises in the interpretation of any of the provisions of these rules, the matter shall be referred to the Registrar of Cooperative Societies and the Registrar may, make order, not inconsistent with the provisions of the Regulation and these rules, for the purpose of removing the doubt.

148 Power to remove difficulties

If any difficulty arises in giving affect to the provisions of this Rules, the Union Territory Administration may be notification publish in Official Gazette make such provision not inconsistent with the provisions of the Regulation as appear to it, to be necessary for removing the difficulties

Power to remove
difficulties

149 Repeal and savings: -

(1) The L M & A Islands Co-operative Societies Rules, 1961 and The L M&A Islands Co-operative Societies (Conduct of Election of the Committee) Rules,2008 are hereby repealed.

Repeal and
savings

(2) Notwithstanding the said repeal anything done or any action taken under any of the provisions of the rule so repealed shall, in so far as it is not inconsistent with the provisions of these rules be deemed to have been done or taken under the corresponding provisions of these rules.

By order and in the name of the Administrator

Sd/-

Secretary (Cooperation)

Form 'A'
[See Rule 3(1)]
Application for Registration of Society

Place :.

Date :

To

The Registrar of Cooperative Societies,
 O/o the Registrar
 Department of Cooperation

We submit herewith a proposal for registration of the following society along with enclosures as indicated below.

2. We also declare that the information given herewith, including that in the enclosures, is correct to the best of our knowledge:-

- (1) Name of the proposed society* :
 (2) Address to be registered :
 (3) Whether liability is limited or unlimited :
 (4) Area of operation :
 (5) Objects of the society :
 (6) The amount of preliminary expenditure incurred by the promoters till the date of application, and estimate of expenditure likely to be incurred by them thereafter with a view to getting the society registered. :
 (7) Language in which the books and accounts of the society will be kept. :

Footnotes:

* The name of the society should not have any reference to any caste or religious

3. We are sending four copies of the proposed by-laws signed by the applicants (not less than 10).

Sr No	Full name	Whether individual or corporate body	Age	Nationality	Profession	Place of Residence Island
1	2	3	4	5	6	7
Island	Amount subscribed to share capital	Whether signatory of the application is a member of his family	In the case of society, whether he is a member of the committee of that society	Remarks		
8	9	10	11	12		

Name and address of the person to whom correspondence regarding registration or otherwise should be addressed:-

Signature

- | | |
|------------------------|----------|
| 1. Chief Promotor..... | 6. |
| 2. | 7. |
| 3. | 8. |
| 4. | 9. |
| 5. | 10. |

Note :

- (1) In the case of a representative of society, a copy of the resolution of the committee of that society authorising him to sign on its behalf this application and by-laws should be enclosed with this application.
- (2) In the case of a corporate body, representative status of the signatory on behalf of the corporate body should be indicated.
- (3) The expression "Member of family" means a wife, husband, father, mother, grandfather, grand-mother, step-father, step-mother, son, daughter, step-son, step-daughter, grand-son, grand-daughter, brother, sister, half-brother, half-sister, and wife of brother or half brother.

Enclosures:-

- (1) Bank balance certificate.
- (2) List of persons who have contributed to the share capital together with the amount contributed by each of them and the entrance fee to be paid by them.
- (3) The scheme showing the details as to how the working of the society will be economically sound, and where the scheme envisages the holding of immovable property by the society, giving description of immovable property proposed to be purchased, acquired or transferred to the society.
- *(4) A copy of the resolution authorising a member of the committee of the registered society to sign the application on behalf of the society.
- ** (5) A copy of the document authorising any person to sign the application on its behalf issued by a firm, company or other corporate body, a society registered under the Societies Registration Act, 1860 or a public trust registered under any law for the time being in force relating to registration of public trusts.

Sent by registered post on...../Delivered by hand by
..... to/in the office of the Registrar

.....
(Chief Promoter)

Received by registered post/hand delivery on by office of the Registrar

Registrar/Registrar, Entered in the register of registration proposals at Serial No

.....

(Signature of the officer receiving the application)

Footnotes:

- * To be forwarded when any member of the society to be registered is itself a registered society
- ** To be forwarded when any member of the society to be registered is a firm, company or other corporate body, a society registered under the Societies Registration Act, 1860 or a public trust registered under any law for the time being in force relating to registration of public trusts.

Acknowledgement

Received Registration proposal No on for the registration of..... Society from the Chief Promoter Shri

Place :

Date :

Form 'B'**[See Rule 5(1)]****Register of applications for registration received in the office of the Registrar**

Serial No.	Name of the proposed society	Place village and Island	Sub-division	Date of Receipt	Date of acknowledgement	How received (by post/hand delivery)
1	2	3	4	5	6	7
No. and date on which additional information is called	Prescribed date by which information is called	Date on which information received	No. and date of registration	No. and date of order under which registration is refused	Initial of the officer authorised by Registrar to keep the register	Remarks
8	9	10	11	12	13	14

FORM NO.1 B**[See Rule 5(4)]****Certificate of registration issued under Section 9(4) of the Lakshadweep
Cooperative Societies regulation 2022 (No.4 of 2022)**

I do hereby certify in exercise of the powers conferred on me under Section 9(4) of the Lakshadweep Cooperative Societies regulation 2022 (No.4 of 2022), that the Cooperative Society.....in..... island/ Union Territory of Lakshadweep is registered by me to-day as a Cooperative Society under the said Regulation. On the basis of limited liability and that the bye laws of the aforesaid are also hereby registered under the said section.

Name of Cooperative Society :

No of the registration :

Address of Society :

Date of Registration :

A copy of the bye law of the society as registered and attested by me is appended to this certificate

Place

Date

Registrar of Cooperative Societies

FORM NO.2 B

[See Rule 5 (6)]

**Certificate of registration issued under Section 9(4) of the Lakshadweep
Cooperative Societies regulation 2022 (No.4 of 2022)**

I do hereby certify in exercise of the powers conferred on me under Section 9(4) of the Lakshadweep Cooperative Societies regulation 2022 (No.4 of 2022) and Lakshadweep Cooperative Societies Sub-Rule 6 of Rule 5, that the Original Registration Certificate ofCooperative Society.....in..... island/ Union Territory of Lakshadweep was irrecoverably lost and it is certified that the registration details of said Cooperative Society are as,

Name of Cooperative Society :

No of the registration :

Address of Society :

Date of Registration :

The certificate is issued on the basis of the details available in the Audit Certificate and records available in the office of the Registrar of Cooperative Societies

Place

Date

Registrar of Cooperative Societies

FORM C**[See Rule 7(1)]****Register of Co-operative Societies registered or deemed to be registered**

District

Registered Sr. No.	Full name and address of the society	Name of Island	Date of registrati on	File No.	Class of Society	Sub-class
1	2	3	4	5	6	7
Page No. and date of Government Gazette Notifying registration	Initial of Registra r	Date of winding up by the Registrar	Page No. and date of Governm ent Gazette wtfying winding up	No. and Date of cancellatio n	Initial of the officer authorise d by Registrar to keep the register	Remarks
8	9	10	11	12	13	14

FORM D**[See Rule 9 (1)]**

From

By Registered Post A.D.

The Registrar of Co-operative Societies

To

.....

Sir,

It appears to me that an amendment/amendment of the bye-laws of your society as indicated in the attached statement is/are necessary and that it/those is/are desirable in the interest of your society. I am to request you to consider this/these amendment/amendments in the interest of your society and to call upon you by this notice under rule 9(1) of the Lakshadweep Cooperative Societies Rules, 2023, to take necessary steps to make the amendments to the bylaws of your society within ... days from the date of receipt of this notice, failing which action will be taken as provided under Section 14. (1) of the Lakshadweep Cooperative Societies Regulation, 2022.

Yours Faithfully

Registrar of Co-operative Societies,

.....

Statement accompanying notice under Rule 9(1)

Serial No.	The exact wording of existing by-laws	By-law as it would read after amendment	Exact wording of by-law, if it is a new one	Reasons why amendment is considered necessary

Registrar of Co-operative Societies,

.....

FORM E**[See Rule 13(1)]****APPLICATION FOR RECONSTRUCTION OF A SOCIETY**

To

The Registrar of Co-operative Societies

.....

In the special general meeting of..... Society.....Ltd.at.....Island called for the purpose of reconstruction of the society, the society approved a compromise/arrangement with its creditors and/or members on following lines:

- (1) By reducing the claims of creditors;
- (2) By reducing the value of the share capital;
- (3) By re-valuation of assets;
- (4) Any other issue.

A detailed scheme worked out on the above lines is enclosed with a copy of resolution passed by the special general meeting of the society referred to above.

We would request that the scheme of reconstruction of the society may please be d and orders issued to that effect.

Chairman/Member/Creditor/Liquidator

.....Society Ltd.

Form F**[See Rule 19(1)]**

Form to be used by the eligible person for giving application for membership of a society under sub-section 27(2) of the Lakshadweep Cooperative Societies Regulation, 2022.

To

The Chairman,

(through the Registrar, Co-operative Societies).

Sir.

I, the undersigned Shri/Smt (Full name of the applicant), hereby apply for the membership of your society, I furnish below the following particulars about me:—

1. Full name beginning with Surname.
2. Address (Residential- with mobile number)
3. Occupation/Service/Business/Profession.
4. Address (Service/Business/Profession).
5. Age on date of application.
6. Class of membership applied for (associate, nominal, sympathizer or ordinary).
7. Nationality.
8. Amount of share money and entrance fee tendered with the application (cross cheque, pay order and Demand Draft).
9. Particulars of agricultural land/Non-agricultural land held by family as owner or as tenant (whatever it is applicable).
10. Particulars as to membership of other Cooperative Society/Societies, if any, together with information about outstanding dues or overdues, if any, in the society/societies.
11. Date of making application to the society and reason if any for not accepting the application by the society if known.
12. I undertake to furnish any other information as may be required under the bye-laws of the society.

I hereby state that I need the services of the society and further state that I have made myself aware of the provision of the bye-laws of the society, and I agree to be bound by them in all matters relating to my transactions with the society.

Name and signature

Place :

Date :

Form G**[See Rule 24]****NOTICE UNDER SECTION 31 OF THE REGULATION**

To

Shri.....

.....

Sir,

You are member of.....cooperative society Ltd.,with sholder holder number.....As provided in section 31 of the Regulation it is the duty of every member of the society to to attend at least, one general body meeting within a consecutive period of five years and to utilise minimum level of services at least once in a period of five consecutive years as specified in the bye-laws no.... of the society,which read as,

“
.....”

As per record of the society, for the year ending 31st March.....

- (1) you have not attended any meeting of the general body from the year.....to
- (2) You have not utilise minimum level of services as per above bye-laws at least once in a period of five consecutive years,i.e from the yearto

Therefore as provided in the above bye-laws you have been classified as non-active member of the society.You are hereby advised to obey by above provisions of Regulation and bye-laws.

If you will to obey above provisions shall have no right to vote.

On fulfilment of the above eligibility criteria you will be entitled to be re-classified as an active member.

If you want to appeal against this decision of the society ,you may appeal to the Registrar.....within a period of sixty days from the date of communication as provided in section 31.

Chairman/Manager/Chief Executive Officer
.....Society Ltd.

Form H**[See Rules 32& 33]****Register of members****[Section 43(1) of Lakshadweep Cooperative Societies Regulation,2022.]**

1. Serial Number
2. Date of admission
3. Date of payment of entrance fee
4. Full name
5. Address
6. Occupation
7. Age on the date of admission
8. Full name and address of the person nominated by the member
9. Date of nomination
10. Date of cessation of membership
11. Reasons for cessation
12. Remarks

Particulars of shares held

Date	Date of Application	Date of Allotment	Amount received	Number of shares held	Serial number of share certificates	Share holder number	name of Nominee	initials of authorised person of the society
------	---------------------	-------------------	-----------------	-----------------------	-------------------------------------	---------------------	-----------------	--

FORM I**(See Rule 38(1))**

I.....resident of.....a member of more than one credit society, names of which are given below:

(1)

(2)

(3)

(4)

I do hereby declare as required by Rule 38 of the Lakshadweep Cooperative Societies Rules, 2023 that I shall borrow only from.....co-operative Ltd./shall accept responsibility of a surety of only in co-operative Ltd

Place:

Date:

Name and Signature

Name and signature of witness:

FORM J**[See Rule 40]**

I.....(age.....) residing at..... having been admitted toco-operative society Ltd., with limited/unlimited Liability and being desirous of borrowing/having borrowed loan from the society/ from the society before the date coming into force of the Lakshadweep Cooperative Societies Regulation, 2022, make this declaration as required by section 53 of the Lakshadweep Cooperative Societies Regulation, 2022, that I own land have interest in land specified in the schedule and I hereby create a charge on the said land interest in favour of the society for the payment of the amount of the loan which the society may make/has made and for all future advances, if any, which the society may make to me subject to the maximum, of amount of Rs.....together with interest on such amount of the loan and advance.

SCHEDULE

Name of village	Name of Island	Name of sub-division	Survey Number		Boundaries South East North East
			City Survey plot number	City Survey plot hissa(part)	Area Acres Guatha
1	2	3	4	5	6
Nature of interest in land if any	Assessment Rupees	Approximate value	Encumbrance if any	Remarks if any	
7	8	9	10	11	

In witness whereof I, Shri... ..hereunder set my hand this of..... in the year Two thousand two hundred and..... signed and delivered by the above..... name in the presence of

Attested by Applicant's Borrower's signature

Witness (1)

(2)

Forwarded with compliments to the Village Officer with a request to include the particulars of the charge.....under the declaration in the Record of Rights and to return to the society for its record.

Chairman/Secretary

.....Society.

Form K**[See Rule 54(1)]**

Form of Requisition to call Special Meeting of the Committee to consider Motion of No Confidence

Place:

Date:

To

The Registrar of Co-operative Societies,

We, the undersigned members of the Managing Committee of the Society Limited, hereby request you under sub-section (2) of Section 67 of the Lakshadweep Cooperative Societies Regulation, 2022 to call a special meeting of the Managing Committee of the said Society to consider the motion of No Confidence against Shri/Smt..... President/Vice President/Chairman/Vice Chairman/ Secretary /Treasurer/any other Officer of the said Society.

2. A copy of the motion proposed to be moved is enclosed.

3. The motion will be moved by Shri/Smt.

Names (Signatures)

1.

2.

3.

4.

5.

and further if required.

Form L**[See Rule 54(6)(j)]**

Certificate regarding the result of the requisitioned special meeting of the Committee of Co-operative Society in respect of No Confidence motion

I. Shri/Smt.....

Registrar of Co-operative Societies hereby certify that the requisitioned special meeting of of the Managing Committee of Co-operative Society Limited took place/ (did not take place) on at hrs. The following resolution is carried in this meeting: -

This certificate is issued by me on at
Presiding Officer Registrar of Co-operative Societies

Presiding Officer.

Registrar, Co-operative Societies,

.....

FORM M
[See Rule 69(1)]

- | | | | |
|------------|---------|--|------------|
| 1. Name | Age | | |
| Occupation | Address | | |
| 2. Name | Age | | Disputants |
| Occupation | Address | | |
| 3. Name | Age | | |
| Occupation | Address | | |

Versus

- | | | | |
|------------|---------|--|-----------|
| 1. Name | Age | | |
| Occupation | Address | | |
| 2. Name | Age | | Opponents |
| Occupation | Address | | |
| 3. Name | Age | | |
| Occupation | Address | | |

Particulars of the claim or the facts constituting the cause of action and when it arose.

The disputant/disputants prays/party as under:

In support of the above claim or relief sought I/We enclose documents and papers as per the list annexed hereto.

Date:

Disputant/Disputants (Signed)

I/We.....disputant/disputants declare that the facts stated above are true to the best of my/our knowledge and belief.

(1)

(Signed)

(2)

Disputants

(3)

In the office of.....on20

Note.-(1) In case there are more disputants or opponents their names, address, ages and occupations should be mentioned.

(2) In disputes relating to monetary claims, the precise amounts claimed should be stated, and where this can not be exactly ascertained the approximate amount claimed, should be stated.

(3) When a society is a disputant a copy of the solutions of its committee or Board of Directors shall accompany application.

FORM N**[See Rule 76(5)]****FROM OF CERTIFICATE FOR TRANSFER OF PROPERTY UNDER SECTION 105**

In the case of immovable Property:

Whereas in execution of the award or award passed under section... ..or an order or orders made by a Liquidator under Section.....of thein favour of theday of.....20.....,for sale of the under mentioned property of the person or persons (defaulter or defaulters) and whereas the Court or the Collector or the Registrar is satisfied that the said property cannot be sold for want for buyers.

It is hereby ordered under Section 105 of the said Regulation that the right title and interest of the defaulter shall vest in the said society and shall be delivered to the society subject to the terms and conditions laid down in the Schedule hereto annexed.

DESCRIPTION OF PROPERTY

Survey No.	Area and assessment	Nature of right title and interest of the defaulter	Details of encumbrances to which property is subject

The said property is transferred to the society in full/partial satisfaction of the amount due to it from the defaulter.

Given under my hand and seal of the Court or Collector or the Registrar this.....day of 20.....

Court or Collector or Registrar

In the case of movable property:

(The form will be similar with necessary changes as regards the description and the delivery of the property).

FORM O**[See Rule 81]****INFORMATION REGARDING THE LOANS TAKEN FROM THE BANK BY EACH COMMITTEE MEMBER, MEMBERS OF THE FAMILY AND COMPANIES WITH WHICH HE IS ASSOCIATED**.....**BANK LTD.**

.....MONTH

Sr N o	Name of Director/Com mittee member	Post	Name of Family member of committe e member	Name of Company /firm/concer n in which committee member or his family member is associated in any way	Relation with the committe e member	Amou nt of loan taken	Date of sanctione d
1	2	3	4	5	6	7	8
Amount outstanding		Whether the person who had availed the loan is permitted to avail loan as per guidelines of RBI/RCS/NABA RD		Overdue Amount	Action taken to recover the overdue amount	Remarks	
9		10		11	12		

FORM P**[See Rule 79(7)]**

1. Name of Society:
2. Date of winding up other:
3. Quarter ending:

		Ruees
A.	Opening Cash Balance:	
	(1) on hand (2) in Bank	
B	Realizations during quarter: (1) Loan recovered (2) Investment called in (3) sale of dead stocked etc (4) miscellaneous Total Cash	
C	Paid out during quarter: (1) loans repaid with interest- (a) government (b) others (2) deposits repaid with interests (3) salaries and other outstanding debts of the society (4) expenses of liquidation (5) legal expenses (6) miscellaneous Total Cash Balance.. (1) on hand (2) in Bank	
D	Remaining assets: (1) loans outstanding (2) investments (3) value of dead stock etc. (4) miscellaneous Total	
E	Remaining liabilities: (1) deposits repayable (2) loans repayable (a) Government (b) Others (c) salaries (d) miscellaneous debts	
	ADDITIONAL INFORMATION Name of the Liquidator: 1. Total Liabilities on the date of winding up: Deposits:	

	<ol style="list-style-type: none"> 1. Members 2. Non-members 3. Societies 4. State Co-operative Bank Ltd. 5. Central financing Agency 6. Miscellaneous <p>Total</p> <ol style="list-style-type: none"> 2. Total recoveries upto the end of previous Quarter <ol style="list-style-type: none"> 1. Principal 2. Interest 3. Liquidation charges <p style="text-align: right;">Total</p> 3. Balance of assets to be recovered 4. Balance of liabilities to be paid 5. Whether orders are passed in all cases. If not how many are remaining? Reasons why no orders are passed. 	
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Dated:..... 20.....

Forwarded with compliments to the Registrar, Co-operative Societies.

Liquidator

Co-operative Societies

FORM Q**[See Rule 145]**

This agreement is madeday of.....20....between.....s/o.....of.....Village.....P.O.Island.....(he reinafter called the "applicant" which expression shall unless repugnant to the context or meaning thereof include his heirs,executors,administrators and assigns) of the one part andCo-operative Farming Society Limited (hereinafter called the "Society" which expression shall unless repugnant to the context or meaning thereof include his heirs,executors,administrators and assigns) of the other part.

Whereas the applicant has applied for the membership of the society and where as the society has agreed to admit the applicant as a member of the society subject to rules and bye-laws of the society and on the terms and conditions hereinafter contained.

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES here to as follows:

1. The applicant hereby agrees to place at the disposal of and handover to the society the pieces or parcels of the land in possession of the applicant and described in the Schedule hereunder written. For a period of five years from the date hereto for the purpose of joint farming by the society and has accordingly handed over possession of the said pieces or parcels of land described in the Schedule hereunder written to the society for the said purpose.

2. The applicant hereby appoints the said...Co-operative Farming Socie Limited as his agent and attorney and authorises it to mortgage the applicant's said pieces or parcels of land or any of them along with the land of other member or members of the society or otherwise to secure repayment of any loan or loans that may be raised by as the society may deem fit and for the purpose to execute the necessary deed of mortgage provided, however, that neither the applicant personally nor any of his other property outside the pool shall be liable for payment of any amount payable under the said mortgage deed or other documents except to the extent to which the applicant may be liable as a member of the society. AND it is hereby further agreed and declared that the appointment of the society as the agent and attorney of the applicant and the authority conveyed on the society to mortgage the applicant's land aforesaid is irrevocable as long as the applicant continues to be a member of te society.

3. In the event of the applicant ceasing to be a member of the society or on the expiry of the said period of five years the applicant shall accept such pieces or parcels of land which the society may offer to the applicant if the society for any reasons whatsoever considers it undesirable to return member's said pieces or parcels of land or any of them provided however that the land offered by the society shall have equivalent productivity as the land belonging to the applicant and retained by society had at the time of joining the society. If the lands retained are subject to any encumbrances created prior to pooling the value of the lands offered by the society to be applicant shall be reduced by the amount payable on the outstanding encumbrances and the society will clear the said encumbrances.

4 If the applicant on ceasing to be a member of on the expiry of the said period of five years desires payment in cash in respect of the said pieces or parcels described in de Schedule hereunder or any of them or in respect of land retained by the society and

alien of which land of equivalent productivity is offered by the society is agreeable to make such payment, the society shall pay to the applicant such amount as may be agreed to between the applicant and the society in respect of the said land less any amount that may be payable by the applicant in respect of any outstanding encumbrances created on the applicant in respect of any outstanding encumbrances created on the said land prior to pooling and the applicant shall on such payment execute the necessary conveyances transfer deeds or other assurances for conveying the transfer of such lands to the society or its nominees. The society shall then pay off the encumbrance.

5. In the event of the society offering land belonging to the applicant the applicant shall execute the necessary conveyances, transfer deeds or other assurances for conveying and transferring the land retained by the society to the society or its nominee and the society shall execute or get executed by the owner or owners of the land offered to the applicant, the necessary conveyances, transfer deeds or other for conveying and transferring the said land to the applicant

6. As long as the applicant is a member of the society, the society shall pay to the applicant such return as may become payable under the bye-laws and the applicant shall also be entitled to all other rights and privileges as may be provided in the bye-laws of the society.

7. The applicant hereby further agrees to pay such compensation as may be determined by the General Body of the Society for improvements effected on the said lands described in the Schedule or any of them if the applicant is given back the said lands described in the schedule or any of them provided however that such compensation shall be payable only in respect of the land of which possession is handed back to the applicant. The productivity of any land and the value of improvements effected on the land of a member shall be calculated in accordance with the provisions made there for in the bye-laws of the society.

8. If any dispute or difference shall arise between the parties hereto touching this agreement or the construction or operation thereof or the rights, duties, or liabilities of either party accrued hereunder, such dispute or difference shall be decided in accordance with the provisions contained in the Co-operative Societies Act under which the society is registered or any other modification of re-enactment thereof.

In witness whereof the said..... has hereunto set his hand and..behalf of the Co-operative Farming Society Limited set his hand the day and the year first above written.

Schedule above referred.

Signed by the said.....in presence of

1.

2.

Signed by the said.....on behalf of.....Cooperative Farming Society Limited in the presence of.

1.

2.

THE LAKSHADWEEP CO-OPERATIVE SOCIETIES RULES, 2023

SCHEDULE -I

CONDUCT OF ELECTION OF COMMITTEE RULES, 2023 (See rule – 47 of Lakshadweep Cooperative Societies Rules, 2023)

- 1. Definition: -** In this schedule, unless the context otherwise requires.
- (1) “Asst. Returning Officer” means a Govt. official appointed by the Cooperative Election Officer to assist the Returning Officer/ Assistant Cooperative Election Officer in conducting election.
 - (2) “Ballot box” means a box provided for the purpose of dropping ballot paper after casting vote by voters.
 - (3) “Ballot paper” means a paper provided to voter for casting his/her vote containing names of contesting candidates with symbol.
 - (4) “Presiding Officer / Polling Officer” means a Govt. official appointed by the Returning Officer/ Assistant Cooperative Election Officer to be in charge of polling booth.
 - (5) “Returning Officer/ Assistant Cooperative Election Officer” means a Govt official appointed by the Cooperative Election Officer for the purpose of conducting election to the Committee, who shall not be below the rank of Group B Gazetted of Union Territory Administration of Lakshadweep.
 - (6) “Term” means term of the committee of Cooperative Societies
 - (7) “Voter” means a member of Society who is eligible to vote in the election to the Committee of the Society.
- 2.** (1) The Administrator shall appoint a Co-operative Election Officer, an officer of Lakshadweep Administration to function as Co-operative Election Authority as per sub-section (3) of section 68 of Lakshadweep Co-operative Societies Regulation, 2022 and rule 47 of Lakshadweep Cooperative Societies Rules, 2023
- (2) The Co-operative Election Authority shall have power of superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of election of members to the committee/board of all Societies registered under the Regulation.
- 3** The Administrator may appoint any employee of the Lakshadweep Administration as a Secretary to the Co-operative Election Authority, to assist the Co-operative Election Officer for smooth conduct of the election of members to the Committee/board of all societies as per sub-section (4) of section 68 of Lakshadweep Cooperative Society Regulation, 2022.
- 4** The election programme of members of committee/board may be framed in such a way that all or any months of June, July, August and September shall be excluded in case of a society with area of operation of more than one island.

5 Appointment of Returning Officers, Assistant Returning Officers and such other Officers required to conduct the elections: -

(1). The Cooperative Election Officer may, appoint a Returning Officer and as many Asst. Returning Officers as may be necessary, for the conduct of the election to the members of Committee/board.

(2). The Returning Officer shall take necessary steps to conduct the election and the secretary of the society shall render all necessary assistance to the Returning Officer for conducting election and constitution of the new committee of the Society.

(3). Every Assistant Returning Officer, shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer, shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function. Such Returning Officer and other election officials shall not be a candidate or a proposer or seconder for any candidate to be elected as member of the committee.

6 Procedure for conduct of election to the committee of societies. — (1) The Chairperson and the Chief Executive/Manager/Secretary of the society shall inform the Authority at least 75 days prior to the expiry of the term of the committee, to conduct elections within time and a copy of this information shall also be sent to the Registrar of Co-operative Societies.

(2) Within a period of one month from the date of receipt of such information under sub-rule (1), the Authority shall notify the election programme, including the election to the members of the committee and subsequent elections to the posts of office bearers of the society.

(3) Where other co-operative societies are members, the Returning Officer shall call on such societies to send the name of their any office bearer or duly authorised member of the committee/board of such co-operative society as representative (hereinafter referred to as the delegate) in accordance with the provisions of the Regulation together with the resolution of the committee/board of the society and the specimen signature of the delegate, duly attested and bearing the seal of the society within such period as may be decided by the Returning Officer.

7 Finalisation of Voters list: - (1). The Society shall provide a list of members qualified to vote as per Regulation, rules and as per bye-laws of the society to the Returning Officer.

- (2). The Returning Officer shall immediately publish the voter list by affixing them on the notice board at the office of the society and its branches if any, inviting objections if any in the matter within 5 days of publication.
- (3). If any objection relating to voter list received within 5 days of such publication, Returning Officer shall decide such objection and correct the voters list by addition/deletion or amendment in the voters list of members after giving due opportunity of hearing to the concerned voters/members and after considering the material or evidence in the matter before him and shall prepare and publish a final list (voters list) of eligible voters of the society within 7 days from the day of members list received from the society.
- (4). The list shall be exhibited on the notice board of the society to enable any member to see it during office hours. The Returning Officer shall send a copy of final voter's list immediately to Cooperative Election Officer/Registrar of Co-operative Societies and to the society.
- (5). The voters list shall be in the local language. The list shall specify the serial number, membership number, name of the member, father's / husband's name and address of the members in respect of individual members. Whereas in case society members, in addition to above name of society and name of its representative should be included in the voters list.
- (6). A copy of the voter list shall be supplied to any member of society on payment of such fee as prescribed by the societies and such relevant extract of list as per request shall be supplied by the societies within 5 days.

8 Appointment of dates, etc., for various stages of an election. — (1) The Returning Officer shall, with the prior approval of the Co-operative Election Authority/Cooperative Election Officer, draw and declare a notice of various stages of election programme.

- (2) Returning Officer shall give intimation in **Form 1** regarding the details of election to the members of the society by publishing such details in local publications, if available, in the island.
- (3) A copy of the intimation shall also be published on the notice board of the Co-operative Election Authority, Registrar of Co-operative Societies, and the head office and branches, if any, of the Society.
- (4) The intimation shall contain the following particulars: -

(a)	The number of vacancies to be filled by election.
(b)	The date, time, and the place (s) at which the final voters list shall be published. (This list should be published before 45 days prior to the date fixed for election.)

(c)	The date, time and the place at which nomination papers shall be issued to candidates.
(d)	The date, time, and the place at which the filled nomination can be filed by the contesting candidates or their proposers.
(e)	The date, time and the place at which nomination papers will be scrutinized.
(f)	The date, time, and the place of publishing of accepted nomination papers.
(g)	The last date and time for withdrawal of nominations.
(h)	The date, time, and the place(s) at which polling, if necessary, will take place.
(i)	The date, place and time of taking up counting of votes

Explanation: — (1) If the last date in reckoning dates as specified in the above cases is a public holiday, the next succeeding working day shall be fixed for the respective events.

(2) The proportion of polling stations to the number of voters at each polling station and the place of polling station shall be fixed by the Returning Officer.

9 Nomination of candidates. — (1) Nomination of the candidate for election shall be made in **Form 2**, which shall be supplied on request, by the Returning Officer or any other officer authorised by him in this behalf, to any member of the society free of cost.

(2) Every nomination Form shall be signed by two members whose names are included in the list of the members or delegates and one of the members shall sign the Form as proposer and the other as seconder for the nomination and the nomination Form shall also contain a declaration signed by the candidate, expressing his willingness to contest the election.

(3) Nomination Form may be presented in person by the candidate himself to the Returning Officer or by any person authorised by him in this behalf, before the date and time specified for submission of nomination Form as per the election programme and the Returning Officer or any other officer authorised by him, who receives the nomination Form, shall enter on the nomination Form its serial number and certify the date and time at which the nomination Form has been received by him and shall immediately give a written acknowledgement for the receipt of such nomination Form, in **Form 3** which shall also bear the seal of the society.

(4) The Returning Officer shall, at the close of the time fixed for the receipt of nomination Forms, prepare and display on the notice board of the society, a list of nominations received by him and any nomination Form submitted after the date and time fixed for its receipt, shall be rejected.

10 Requirements for valid nominations;

- (1) No person shall be nominated as a candidate for election to fill a seat on the committee/board if he—
 - (a) is ineligible to vote;
 - (b) is not qualified or is disqualified to be the member of a society or a member of the committee/board under the provisions of the Regulation and the rules made thereunder or bye-laws of the society; and
 - (c) does not possess the necessary qualifications specified in the bye-laws of the society for election as member of the board.

Provided that the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said name or number to be corrected in order to bring them into conformity with the corresponding entries in the list of voters and where necessary, clerical or printing error in the said entries shall be overlooked.

Provided further that, where the seats are reserved on the board of directors/committee of any society as provided under sub-section (3) of section 65 of the Regulation and Rule 45, an individual belonging to the category specified in said sub-section (3) of section 65 of the Regulation and Rule 45 shall be eligible for being nominated as candidate if his name appears in the list of voters, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particulars of reservation category.

- (2) Every eligible member can contest in any one category only. If a candidate is contesting against reserved seat. His/her shall submit a declaration duly filled in **Form 4**.
- (3) The list of candidates who have filed nomination, received up to the scheduled time for this purpose shall be published in the notice board of the Society in **Form 5** every day.

11 Scrutiny of nomination papers. — (1) On the day fixed for the scrutiny of nomination papers, —

- (a) the Returning Officer shall, at the appointed hours, take up the scrutiny of nomination Forms and the candidate or the proposer or seconder of each of the candidates may be present at the time and place when nomination papers are scrutinised;
- (b) the Returning Officer shall examine the nomination Forms and shall decide all objections which may be to any nomination Form and may either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any ground as per rule 10 above.

Provided that the nomination of a candidate shall not be rejected on the ground of an incorrect description of his name or the name of his proposer or seconder or of any other particulars relating to the candidate or his proposer or seconder, as entered in the list of members; if the identity of the candidate, proposer or seconder, as the case may be, is established beyond reasonable doubt.

- (2) Nothing contained in clause(b) of sub-rule (1) shall be deemed to authorise the rejection of nomination of any candidate on the ground of any irregularity in respect of a nomination Form, if the candidate has been duly nominated by means of another nomination Form in respect of which no irregularity has been committed.
- (3) the Returning Officer shall not allow any adjournment of the proceedings except when proceedings are interrupted or obstructed by a riot or affray or by any other cause beyond his control:

Provided that, in case any objection is raised by the returning officer or is made by any other person the candidate concern may be allowed time to rebut it not later than the next day and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

- (4) The Returning Officer shall endorse on each nomination Form his decision of accepting or rejecting the same, as the case may be, and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection.

12 Publication of list of valid nominations. — (1). Immediately after all the nomination papers have been scrutinized and decision accepting or rejecting the same has been recorded, the Returning Officer shall prepare a list of candidates whose nominations have been accepted or rejected.

- (2). The names of candidates along with address and names of proposers as given in the nomination papers which were found valid by Returning Officer shall be published on the notice board of the society in English alphabetical order immediately on completion of the scrutiny in **Form 6**.

13 Withdrawal of the candidature: - Any candidate may withdraw his candidature by notice in writing signed by him and delivered in person or by the person duly authorised by him at any time after the presentation of the nomination Form, but before the date and time specified in the election programme for such withdrawal in **Form 7** and the notice for withdrawal of candidature given by the candidate shall be irrevocable.

14 Preparation of final list of contesting candidates. — On the day next succeeding the last date fixed for withdrawal of candidature, the Returning

Officer shall prepare and publish in **Form 8** a list of contesting candidates on the notice board of the society. The said list shall contain the names in alphabetical order with reference to the surnames of the candidates having surnames and in respect of candidates not having surnames, in the alphabetical order with reference to their first names, in the language in which the list of voters is prepared and the addresses of the contesting candidates as given in the nomination papers.

15 Uncontested elections. (1) If, after the expiry of the period within which candidatures may be withdrawn under rule 13 in this schedule, the number of candidates in the society whose nominations have been accepted are equal to or less than the number of seats to be filled, the Returning Officer shall forthwith declare such candidate or all such candidates to be duly elected to fill the seat or the relevant number of seats, as the case may be, and shall complete and certify the declaration in **Form 9**.

(2) The Returning Officer may make announcement to this effect on the date fixed for the polling, if no schedule is fixed by Co-operative Election Authority/Cooperative Election Officer for this purpose.

16 Allotment of symbol: - (1). Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols and shall allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and if more than one contesting candidate have indicated their preference for the same symbol, decide by lot and such allotment shall be final.

(2) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen thereof by the Returning Officer.

(3) Symbols of any political parties or its identical shall not be allotted to any candidate.

(4) The Returning Officer shall prepare and publish in **Form 10** a list of contesting candidates after allotting symbol.

17 Conduct of election: - (1). If the number of candidates for any Committee of any Society exceed the number of the candidates to be elected, the Returning Officer shall arrange for taking a poll on the date fixed for the purpose.

(2). The Returning Officer may arrange to open polling booth. He shall arrange for all required material for voting like, ballot boxes, ballot papers and such other election materials as, may be necessary, for the conduct of election. The Returning Officer may appoint Presiding, Polling and Counting Officers from among the Government/PSU/PSE Officials.

(3). If at any stage of the polling, the proceedings are interrupted or obstructed by any cause which is beyond the control of the Returning Officer, he shall have the power to stop polling, recording the reasons for the same in writing and shall report immediately to Cooperative Election Authority/ Cooperative Election Officer for further action.

18 Polling stations. — The Returning Officer shall, if necessary, provide a sufficient number of polling stations for any society for which election is to be held and shall publish on the notice board of the society and in such other manner as he deems fit, a list showing the polling stations so provided and the polling areas for which they have respectively been provided.

19 Appointment of Presiding Officers and Polling Officers; — (1) The Returning Officer shall appoint a Presiding Officer for each polling station and such polling officer or officers as he thinks necessary, but shall not appoint any person who has been employed by the concerned society or on behalf of, or has been otherwise working for a candidate in or about the election:

Provided that, if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station, other than a person who has been employed by the concerned society or on behalf of, or who has been otherwise working for a candidate in or about the election, to be the Polling Officer during the absence of such officer, and shall inform the Returning Officer accordingly.

(2) A Polling Officer shall, if so, directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or otherwise or due to unavoidable cause, is absent from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Presiding Officer, to perform such functions during his absence.

20 General duty of Presiding Officer and Polling Officer; — (1) It shall be the general duty of the Presiding Officer at a polling station to keep law and order and to see that the poll is fairly taken.

(2) It shall be the duty of the Polling Officers at a polling station to assist the Presiding Officer for the performance of his functions.

(3) The Presiding Officer, Polling Officer, Returning Officer, Assistant Returning Officers and other persons appointed for any of the purposes of these rules shall work under the general guidance, superintendence and control of the Co-operative Election Authority/Co-operative Election Officer.

21 Appointment of Polling Agent; - (1). At an election at which a poll is to be taken, any contesting candidate may appoint one agent and one relief agent to act as polling agents whose name is there in the final voter list of such candidate, at each polling station.

(2) Such appointment shall be made by a letter in writing in **Form 11** signed by the candidate. The candidate shall deliver the letter of appointment to the polling agents who shall, on the date fixed for the poll, present it to and sign the declaration contained therein, before the Presiding Officer.

- (3) The Presiding Officer shall retain the letter presented to him in his custody. The polling agent shall not be allowed to perform any duty at the polling station unless he has complied with the provisions of this rule.

22 Appointment of Counting Agent; - (1). Each contesting candidate may appoint not more than two agents to act as counting agents whose name in there in the final voter list of such candidate by a letter in writing in duplicate in **Form 12** signed by the candidates.

- (2) Before the previous date for commencement of the counting of votes, the candidate shall give notice of the appointment of such counting agents along with passport size photo to the Returning Officer by forwarding to such Officer the letter of appointment. The candidate shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present it to, and sign the declaration contained therein before the Returning Officer.
- (3) The Returning Officer shall retain the duplicate copy presented to him in his custody. No counting agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with these provisions.

23 Manner of voting at elections. (1). At every election where a poll is taken, voting shall be by secret ballot in the manner hereinafter provided and no voting shall be allowed by proxy vote.

- (2) The Returning Officer shall brief all the Presiding Officers / Polling Officers before the date of election and distribute election materials to such Presiding Officer / Polling Officers and direct them in writing to the respective polling booth for conduct of election under his supervision.

24 Form of ballot paper. Every ballot box shall be of such design as may be approved by the Returning Officer/ Assistant Election Officer. For the preparation of ballot paper, the names of candidates shall be arranged in the same order and in which they appear in the final list of contesting candidates in **Form 13**. However, if two or more candidates bear the same name, they shall be distinguished by addition of their occupation or residence or in some other manner which should be determined by the Returning Officer.

25 Arrangement at polling stations. (1) Outside each polling station, there shall be a notice specifying the polling area, the voters of which are entitled to vote at the polling station and where the polling station has more than one polling booth, at each of such booth, the description of the polling area of such booth, and a copy of the final list of contesting candidates.

- (2) At each polling station, there shall be set up, one or more voting compartments, duly screened, in which the voters can record their votes with secrecy.
- (3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling

area or areas the voters of which are entitled to vote at such polling station, instruments for stamping the distinguished mark on ballot papers and articles necessary for the voters to mark the ballot papers. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

26 Admission to polling station. The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude there from all persons other than, Polling Officers, public servants on duty in connection with the election, persons authorised by the Registrar of Co-operative Societies, Co-operative Election Officer, Returning Officer/ Assistant Election Officer and their polling agents and subject to the provisions of rule 21 in this schedule, one polling agent of each candidate, a child in arms accompanying a voter, a person accompanying a blind or infirm voter who cannot move without help, such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

27 The preparation of ballot boxes for poll; - (1). Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other persons present that the ballot box is empty and bears the labels.

(2) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the polling agents and shall then lock it up and affix his seal up on it in such manner as to prevent its being opened without breaking the seal and where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signatures of such of the polling agents present and are desirous of affixing the same.

(3) The Presiding Officer shall there after fix the paper seal so signed in the space meant there for in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper remains open. The seal used to secure a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seal. Where it is not necessary to use paper seal for securing the ballot box, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot paper remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(4) Every ballot box used at a polling station shall bear the seal, both inside and outside, marked with the serial number, if any, and the name of society, the serial number and the name of the polling station, the serial number of the ballot box to be filled in at the end of the poll on the label outside the ballot box only, and the date of poll.

(5) The ballot papers shall bear serial number, seal of the Society and signature of the Presiding Officer, and shall contain a symbol against the name of each

contesting candidate for the voter to inscribe the mark “x” to whom the voter desired to elect.

28 Identification of voters: - (1). The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him at the time of taking poll. As each voter enters the polling station, the Presiding Officer or the polling officer authorised by him in this behalf, shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter. In deciding the right of a person to obtain a ballot paper, the polling officer shall issue ballot paper after ascertaining genuineness of the member concerned mentioned in the voters list.

(2) In case of doubt, Presiding Officer may ask member to produce identification proof for issuing ballot papers. On satisfaction, the Polling Officer shall immediately issue ballot paper. Each polling booth shall contain a separate compartment to maintain secrecy of the voting in the election.

29 Challenging of identity. (1). Any polling agent may challenge the identity of a person to be a particular voter by depositing a sum of Rs. 10/- in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made by the polling agent, the Presiding Officer shall warn the person challenged of the penalty for personation; read the relevant entry in the list of voters in full and ask the person challenged whether he is the person referred to in that entry; enter the name and address of the person challenged in the list of challenged voters in **Form 14** and require the person challenged to affix his signature in the said list

(3) The Presiding Officer shall, thereafter, hold a summary inquiry into the allegations and may, for that purpose require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity; put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath; and administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the enquiry, the Presiding Officer is of the opinion that the challenge has not been established, he shall allow the person challenged to vote, and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If, the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, and he shall direct that the deposit made be forfeited to the Co-operative Societies Election Fund and in the other case, he shall return it to the challenger at the conclusion of the enquiry.

30 Safeguard against personation. (1) With a view to prevent the personation of voters, every voter about whose identity the Presiding Officer or the polling officer, as the case may be, is satisfied, shall allow his left thumb to be inspected by the Presiding Officer or the polling officer and an indelible ink mark to be put on it.

- (2) If any voter refuses to allow his left thumb to be inspected or marked in accordance with this rule or has already such a mark on his left thumb or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.
- (3) Any reference in this rule to the left thumb of a voter, shall, in the case, where the voter has his left thumb missing be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the thumb or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as reference to such extremity of his left or right arm as he possesses.

31 Issue of ballot paper. (1). No ballot paper shall be issued to any voter before or after the timings fixed for the poll, except to those voters, who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to record their votes even after the poll hours close.

- (2) Every ballot paper shall, before issue to a voter, be stamped with such distinguishing mark as the Assistant Election Officer may direct, and signed in full in its back by the Presiding Officer.
- (3) No person in the polling station shall note down the serial numbers of the ballot papers issued to particular voters.
- (4) On receiving ballot paper, a voter shall forthwith proceed to the polling compartment, make the mark 'x' or affix the seal provided for the purpose on the symbol on the ballot paper against the name of candidates for whom he desires to vote and put the ballot paper in the ballot box with utmost secrecy. If owing to blindness or other physical infirmity or illiteracy a member is unable to inscribe the mark 'x' or affix the seal as the case may be, on the ballot paper, another person authorized by such member shall be permitted to inscribe the mark 'x' or affix the seal as the case may be against the symbol of the candidates in whose favour the handicapped members desire to vote with the permission of Presiding Officer.
- (5) No voter shall be admitted to the polling booth after the hours fixed for the vote. The Returning Officer shall arrange to issue token / slips to those voters who are in the queue before the time fixed for closing the poll. Such voters for whom the token / slip have been issued shall also be issued ballot paper and allowed them to vote. No voter shall be allowed to enter a polling compartment when another voter is inside it.

- (6). If at any stage of the polling, the proceedings are interrupted or obstructed by any cause which is beyond the control of the Returning Officer, he shall have the power to stop polling, recording the reasons for the same in writing and shall report immediately to the Cooperative Election officer/Cooperative Election Authority for further action.

32 Recording of vote of blind or infirm voter. — If the Presiding Officer is satisfied that, owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than twenty one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary, for holding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that, no person shall be permitted to act as the companion of more than one voter at any polling station on the same day:

Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, he shall be required to declare in **Form 15** that he shall keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day. The Presiding Officer shall keep a record in **Form 16** of all such cases under this rule.

33 Spoilt and returned ballot papers; — (1). A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked “spoilt cancelled” by the Presiding Officer.

- (2). If a voter, after obtaining a ballot paper, decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as “Returned cancelled” by the Presiding Officer.

- (3). All ballot papers cancelled under these rules shall be kept in a separate packet.

34. Tendered votes. (1). If a person representing himself to be a voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter referred to as a “tendered ballot paper”) in the same manner as any other voter.

- (2). Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in **Form 17**.

(3). A tendered ballot paper shall be the same as the other ballot papers used at the polling station, except that it shall be serially the last in the bundle of the ballot papers issued for use at the polling station, and endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own handwriting and signed by him.

(4). The voter, after marking a tendered ballot paper in the polling compartment, and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

35. Closing of poll. The Presiding Officer shall close a polling station at the hour fixed in that behalf as per election programme and shall not thereafter admit any voter into the polling station:

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes. If any question arises as to whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision thereon shall be final.

36. Sealing of ballot boxes after poll. (1). As soon as practicable after closing of the poll, the Presiding Officer shall, in the presence of any candidates or their polling agents, close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also show any candidate or polling agent present, to affix his seal. The ballot box shall, thereafter, be sealed and secured.

(2). Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in this rule before another ballot box is put into use.

37. Account of ballot papers. (1). The Presiding Officer shall, at the close of the poll, prepare a ballot papers account in **Form 18**. If the voting conducted by electronic voting machine, the ballot paper account shall be prepared in **Form 19** and enclose it in a separate cover with the words "Ballot papers account" subscribed thereon.

(2). The Presiding Officer shall permit a polling agent, who so desires, to take a true copy of the entries made in the ballot papers account and shall attest it as a true copy.

38. Sealing of other packets. The Presiding Officer shall then make into separate packets, the marked copy of the list of voters; the unused ballot papers; the cover containing the tendered ballot papers and the list of the tendered ballot papers; the list of challenged votes; any other papers directed by the Returning Officer to be kept in a sealed packet. Each such packet shall be sealed with the seal of the Presiding Officer and of those candidates or polling agents present, who may desire to affix their seals thereon.

39. Transmission of ballot boxes, packets, etc. to the Returning Officer. The Presiding Officer shall then deliver or cause to be delivered the following to the

Returning Officer at such place or places as the Returning Officer may direct:

- (1) the ballot boxes;
- (2) the ballot papers account;
- (3) the sealed packets referred to in rule 38 in this schedule; and
- (4) all other papers used at the poll.

The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

40. Fresh poll in case of destruction, etc., of ballot boxes. If, at any election, any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at the polling station cannot be ascertained, or any such error or irregularity in the procedure as is likely to vitiate the poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the Cooperative Election Officer, upon receipt of such report or of his own motion, in the circumstances stated in the rule of this rule, shall, after taking into consideration all material circumstances, either, declare the poll at the polling station to be void, appoint a day and fix the hours, for taking a fresh poll at that polling station and notify the day, so appointed and the hours, so fixed in such manner as deemed fit, or if satisfied that, the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer or take such action as he may deem proper for the election. The provisions of the Regulation and the rules or the bye-laws shall apply to every such fresh poll as they apply to the original poll.

41. Counting of votes; - At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer and each contesting candidate and his counting agents shall have a right to be present at the time of counting.

42. Admission to the place fixed for counting. (1). The Returning Officer shall exclude from the place fixed for counting of votes all persons except, such persons as he may appoint to assist him in the counting; persons authorised by the Assistant Election Officer/ Returning Officer; public servants on duty in connection with the election; and candidates and their counting agents.

- (2). No person, who has been employed by the society or has been otherwise working for a candidate in the election, shall be appointed under this rule.
- (3). The Returning Officer shall decide, which counting agent or agents shall watch the counting at any particular counting table or group of counting tables.
- (4). Any person who, during the counting of votes, misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the

place where the votes are being counted by the Returning Officer or by any police on duty or by any person authorised in this behalf by the Returning Officer.

43. Scrutiny and opening of ballot boxes. (1). The Returning Officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously. Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(2). The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with. He shall not count the ballot papers contained in tampered box and shall follow the procedure laid down in rule 40 in this schedule in respect of that polling station.

44. Scrutiny and rejection of ballot papers. (1). The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2). The Returning Officer shall reject a ballot paper,

- (a) if it bears any mark or writing by which the voter can be identified; or
- (b) if no vote is recorded thereon; or
- (c) if votes are given on it in favour of more than one candidate where only one candidate is to be elected; or
- (d) if, where more than one candidate is to be elected and the voter has recorded on the ballot paper more votes than he is entitled to give; or
- (e) if the mark indicating the vote, thereon is placed in such a manner as to make it doubtful as to for which candidate the vote has been given; or
- (f) if it is a spurious ballot paper; or
- (g) if it, is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (h) if it bears a serial number or is of a design different from the serial number or, as the case may be, design of the ballot papers authorised for use at the polling station; or
- (i) it does not bear the mark which it should have borne under the provisions of rule 31 in this schedule:

Provided that where a Returning Officer is satisfied that any such defect as is mentioned in this rule has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;

(3). A ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

- (4). Before rejecting any ballot paper under this rule, the Returning Officer shall allow each counting agent present, a reasonable opportunity to inspect the ballot paper;
- (5). The Returning officer shall record the letter "R" on every ballot paper which he rejects and shall also record the grounds of rejection in abbreviated form, either in his own hand or by means of a rubber stamp. All ballot papers rejected under this rule shall be bundled together.

45. Procedure for counting of votes. (1). Every ballot paper which is not rejected under rule 44 in this schedule shall be counted as one valid vote, provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

- (2). The counting of votes shall take place immediately after the close of polling if possible. If this is not possible the ballot papers shall be kept by the Returning Officer in his safe custody.
- (3). The Returning Officer shall then announce and also intimate in writing to the candidates or their agents the time and place at which the counting shall commence. Votes shall be counted by Returning Officer himself or by the Counting Supervisors appointed by the Returning Officer under the supervision of Returning Officer. Each candidate and his authorized agents shall have the right to be present at the time of counting. But the absence of any candidate or his agent at the time of counting shall not vitiate the counting and announcement of the result by the Returning Officer.
- (4). The number of votes secured by each candidate and the result of election shall be announced by Returning Officer as soon as the counting is over in **Form 20** In the case of equal division of votes the result shall be decided by lots to be drawn by the Returning Officer in the presence of the concerned candidates or their agents and counting supervisors.
- (5). After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in **Form 21** and announce the particulars.
- (6). The valid ballot papers shall thereafter be bound together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which the following particulars shall be recorded, namely, the name of the society, the particulars of the polling station where the ballot papers have been used; and the date of counting.

46. Re-commencing of counting after fresh poll. If a fresh poll is held under rule 40 in this schedule, the Returning Officer shall, after completion of that poll, re-commence the counting of votes on the date and the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates. The provisions of rules 44 and 45 in this schedule shall apply, so far as may be, to such further counting.

47. Recount of votes. (1). After the completion of counting, the Returning Officer shall record in the result sheet in **Form 20** the total number of votes polled by each candidate and announce the same:

Provided that, when an equality of votes is found to exist between any candidates, either for the reserved or the unreserved seats, and the addition of one vote will entitle any of the candidate to be declared elected, the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates who may desire to be present, and in such manner as the Returning Officer may determine.

(2). After such announcement has been made, a candidate or, in his absence, his polling agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(3). On such application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it totally, if it appears to be frivolous or unreasonable. Every decision of the Returning Officer under in this rule shall be in writing and contain the reasons therefore. If the Returning Officer decides under these rules to allow an application, either in whole or in part, he shall, count the ballot papers again in accordance with his decision; amend the result sheet in **Form 20** to the extent necessary after such recount; and announce the amendment so made by him.

(4). After the total number of votes polled by each candidate has been announced under these rules, as the case may be, the Returning Officer shall complete and sign the result sheet in **Form 20**:

Provided that, no steps under this these rules shall be taken on the completion of the counting until the candidates present at the completion thereof have been given a reasonable opportunity to exercise the rights conferred.

48. Declaration of result and publication of names of the elected directors. (1).

The Returning Officer shall then declare the candidate to whom the highest number of valid votes has been given as having been elected and certify the return of election in **Form 21** in case of uncontested election, the declaration shall be furnished in **Form 22**.

(2). The Returning Officer/Assistant Election Officer shall publish the names of all elected directors by causing a list of such names together with their permanent address and the names of constituencies from which they are elected on the notice board of his office and shall send a copy thereof to the registered address of the society concerned for affixing it on the notice board and also for its record.

(3). The Returning Officer/Assistant Election Officer shall send a list of the elected directors to the Co-operative Election Officer/ Co-operative Election Authority and secretary of the society

- (4). The Returning Officer shall also record in the minute's book of the society and shall also notify the result of the election on the notice board of the Society and intimate to the Co-operative Election Officer/ Registrar of Co-operative Societies.
- (5). The members so elected shall be deemed to have been elected by general body of the society.
- (6). After the announcement of the result of the election of the society, the Returning Officer shall keep the used and unused ballot papers in a separate sealed cover and hand over to the secretary of the society along with other election materials and record for safe custody.
- (7). Secretary shall destroy the ballot papers after six months of election, if the election has not been challenged in any court of law or no decision is pending relating to election under rules and Regulation.

49. Grant of certificate of election to the elected candidate. -As soon as may be after a candidate has been declared to be elected by the Returning officer, the Returning officer shall grant to such candidate a certificate of election in **Form 23** and obtain from the candidate an acknowledgement of its receipt duly signed by him and immediately send the acknowledgement to the Cooperative Election Officer.

50. Return of forfeiture of candidate's deposit. The deposit made under rule 47 clause 5 shall either be returned to the person making it or to the representative heir or be forfeited to the Co-operative Societies Election Fund in accordance with the provisions of rule 29 in this Schedule. Except in cases hereinafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared. If the candidate is not shown in the list of contesting candidates, or he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be. Subject to the provisions of rule the deposit shall be forfeited to the Co-operative Societies Election Fund, if, at an election, where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one tenth of the total number of valid votes polled by all the candidates or in the case of election of more than one director at the election, does not exceed one-tenth of the total number of valid votes so polled divided by the number of directors to be elected.

51. Production and inspection of election papers. While in the custody of the secretary of the society, the packets of unused ballot papers, the packets of used ballot papers, whether valid, tendered or rejected, and the marked copies of the voters list shall not be opened and their contents shall not be inspected by or produced before any person or persons except under the order of the Co-operative Election authority/ Co-operative Election Officer, the Co-operative Tribunal or the High Court.

52. The Returning Officer shall also conduct election for electing the office bearers of the Society in the following manner.

- (1) The Returning Officer shall direct the secretary of the society in writing to convene meeting of the newly elected members to elect the office bearers.
- (2) The meeting shall be presided over by the Returning Officer.
- (3) The Returning officer shall accept nomination papers from the members who desires to become an office bearer in the Committee. The nomination of office-bearers shall be made in **Form 24** duly filled, signed by the candidate and his proposer and seconder in respective column.
- (4) Each nomination shall be supported and seconded by one each elected members of the Committee.
- (5) In case of equality of votes, the matter shall be decided by lots by the Returning Officer.
- (6) The quorum of the meeting of the newly elected members shall be 2/3 members of the elected members of the committee/board (fraction neglected)
- (7) On completion, of election process, hand over all record / materials of election to secretary of the society.

53. Bond to be executed by members of Committee, set up by the Board of Directors or the Directors of a society, as the case may be; - Every member of the Committee set up by the Board of Directors and the Directors of a society, shall execute a bond in **Form 25** hereto within fifteen days of his assuming the office. Such bond shall be executed on the stamp paper as provided under the Indian Stamp Act, 1899 (2 of 1899). The expenditure on stamp paper shall be borne by the society. The Chief Executive Officer/Secretary of the society shall receive such bonds and keep them on record of the society and accordingly inform the Registrar/ Cooperative Election Officer within fifteen days (15) from formation of the Committee.

54. If there is any dispute relating to or in connection with the election, the same shall be settled in the manner as laid down under Section 96 of the Lakshadweep Cooperative Societies Regulation 2022 read with Rule 67 of Lakshadweep Cooperative Societies Rules 2023.

55. The Election Rules exist prior to this Rules to conduct election stand repealed with effect from the date of notification in the Official Gazette of this Rule under Section 139 of Lakshadweep Cooperative Societies Regulation 2022.

56. Saving: - In case of contradiction of this Rules in this Schedule with any provision of Regulation and Rule the later shall prevail and direction of Registrar of Cooperative Societies under rules and regulation shall be binding.

FORM - 1
(See Rule 47 Schedule I (8))

**Notification for election of members of the committee of
Cooperative Societies in Union Territory of Lakshadweep.**

Notice of the election to the board of Management of (Name of Society)
.....is hereby issued.

- 1) Notice regarding the election to the committee/board of Directors of the
..... (Name of Society) for the term
- 2) Number of vacancies to be filled by election.
- 3) Form of nominations shall be issued from the office from (Date) to
..... (date) during office hours.
- 4) Filled nomination papers will be accepted by the Returning officer from
...(date) to (Date and time)
- 5) Nominations will be taken up for the scrutiny at (Place) on
(Date) On (Time)
- 6) The last date for the withdrawal of nomination paper will be (Date
and Time).
- 6) The date for allotting symbol to the candidates..... (Date and Time).
- 7) If polling becomes necessary polling will be conducted at (Place)
on (date) between (Time).

Returning Officer

FORM - 2**(See Rule 47 Schedule I (9))****Nomination for election of members of the committee/board of Cooperative Societies in Union Territory of Lakshadweep.**

SL. No.	Date	Time	Signature of Returning Officer

1. Name of the Cooperative society :
2. Name of the candidate :
3. Father's name :
4. Address :
5. Serial number of the candidates in the Voter list with member number :
6. Name and address of the proposers. :

SL.No.	Name.	Member number in voter list	Address	Signature.
1.				

7. Name and address of the seconders.

SL.No.	Name.	Member number in voter list	Address	Signature.
1.				

I declare that I am willing to contest for election to be a member of committee of society and information furnished above is correct to my best of knowledge and belief.

Signature of the candidate

Endorsement by Returning Officer. This nomination was presented to me in person at (place).....(date) at(hours) by shri.....

Signature of Returning Officer

FORM - 3**(See Rule 47 Schedule I (9))**

Form of acknowledgement for the receipt of the filled nomination papers
to be issued to the Candidates.

Received filled nomination paper of Shri. Member
No..... as serial Number On (Date) at
..... (Time) from..... (name) (Candidate/ Proposer)

Place
Date

Returning Officer

FORM - 4**(See Rule 47 Schedule I (10))****Declaration of the candidate contesting to the seat reserved for.....**

I..... (Name) Member No.....
hereby declare that I am included in..... (Reservation
category) and I am qualified to contest for Election in the seat reserved for
the..... candidate to the Election to the Board of Directors/
Representative General Body of the..... Cooperative Society/
Bank proposed to be held on.....

Place:

Date:

Signature of the candidate

To be filled by the Returning Officer;
Sl.No.

This nomination paper was filed by Shri/ Smt..... Candite/
proposer/ Seconder before me at.....(time) on.....(date)

Place:

Date:

Returning Officer

Order passed by the Returning Officer at the time of scrutiny of nomination paper.

I have examined the nomination paper as per the provisions of the
Lakshadweep Cooperative Societies Regulation, Rules and byelaws of the Society
and my decision is noted below.

.....
.....

Place:

Date:

Returning Officer

FORM - 5
(See Rule 47 Schedule I (10))

The list of nomination papers received as on (Date) for the election to the Board of Management of the (Name of the Society) for the term

SL. No.	Name of the candidate	Member No.	Name of the proposer	Member No.	Name of the Seconder	Member No.
1.						
2.						
3.						

Note :- Nomination papers will be taken for the scrutiny at (Place) on (Date) at (Time)

Returning Officer

FORM - 6**(See Rule 47 Schedule I (12))**

The list of valid nomination papers after the scrutiny of the nominations on (Date) for the election to the Board of Management of the (Name of the Society) for the term

SL. No.	Name of the candidate	Member No.	Name of the proposer	Member No.	Name of the Seconder	Member No.
1.						
2.						
3.						

Note :- The last date for the withdrawal of the Nomination papers shall be on (Date) at (Time)

Returning Officer

FORM - 7
(See Rule 47 Schedule I (13))

Notice of withdrawal of candidature

Election to the Cooperative
 Society.....

To
 The Returning Officer,

I,..... a Candidate validly
 nominated at the above election do hereby give notice that I withdraw my
 candidature.

Place: _____
 Date: _____

Signature of validly
 Nominated candidate

This notice was delivered to me at my office at(hour)
 on (date) by..... (Name) the

Date:

Returning Officer

Receipt for notice of withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by a validity nominated candidate
 at the election to the
 Cooperative Society was delivered to me by the
 *..... at my office at
 (hour) on (date).

Returning Officer

*Here insert one of the following alternatives as may be appropriate

- (1) Candidate.
- (2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.

FORM - 8**(See Rule 47 Schedule I (14))**

The list of contesting candidates for the election to the Board of Management of the (Name of the Society) for the term

SL. No.	Member No.	Name of the candidate
1.		
2.		
3.		

Note: - The polling will take place at(Place)on (Date) at (Time)

Returning Officer

FORM -9
(See Rule 47 Schedule I (15))

Form of declaration of result of uncontested election

..... Co-operative Society Ltd., Island
.....U.T. of Lakshadweep Election for the
period(years).

Year of Election is Number of seats

In pursuance of the provisions contained in the Lakshadweep Co-operative Societies Rules, 2023 Schedule-I 15. I, declare that Shri/Smt. (Name of candidate(s)/Addresses) has/have been duly elected to fill in the seat/ seats in the above Society as he was/they were the only contesting candidate(s) for the seat.

I also certify and declare that the above-mentioned relevant number of seats to be elected to form the Board of Directors is duly elected.

Place:

Date:

Signature of the Returning Officer

FORM - 10**(See Rule 47 Schedule I (16))**

The list of contesting candidates for the election to the Board of Management of the (Name of the Society) for the term

SL. No.	Member No.	Name & Address of the Candidates	Symbol allotted
1.			
2.			
3.			

Note: - The polling will take place at (Place) on (Date) at (Time)

Returning Officer

FORM - 11**(See Rule 47 Schedule I (21))****Appointment of polling agent**

Election toCooperative Society.....

I,a candidate/ the election agent ofwho is a candidate at the above election do hereby appoint(name and address as polling agent) to attend polling station No. fixed for the poll at

Place:

Date :

Signature of
Candidate/Election Agent

I agree to act as such Polling Agent

Place:

Date :

Signature of Polling Agent

Declaration of Polling Agent to be signed before Presiding Officer

I hereby declare that at the above election, I will not do anything forbidden by the Lakshadweep Cooperative Societies Regulation 2022, Rules 2023 which I have read/have been read over to me.

Signature of the Polling Agent

SIGNED BEFORE ME

Presiding Officer

* To be handed to the polling Agent at the polling station for the poll

** Strike off the inappropriate alternatives.

FORM - 12**(See Rule 47 Schedule I (22))****Appointment of counting Agents**

Election toCooperative Society.....

To

The Returning Officer,

.....

I, a candidate **/the election agent ofwho is a candidate at the above election, do hereby appoint the following persons as my **/his counting agents to attend the counting of votes at.....

Name of the Counting Agent

Address of the Counting Agent

- 1.
- 2.
- 3.

Signature of the candidate**/ Election Agent.

We agree to act as such counting agents.

Signature of the counting agents.

- 1.
- 2.
- 3.

Place:

Date:

Declaration of the Counting Agents

(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything for bidden by Lakshadweep Cooperative Societies Regulation 2022, Rules 2023 which we have read**/has been read over to us.

Signature of the counting

agents

- 1.
- 2.
- 3.

Date: _____

Signed before me

Date: _____

Signature of the
Returning Officer

**Strike off the inappropriate alternative.

FORM -13**(See Rule 47 Schedule I (24))****Form of Ballot Paper**

(Counterfoil)

..... Co-operative Society Ltd., Island
..... U.T. of Lakshadweep Year of election.....(period in year).

Signature of Voter

Serial Number in the list of Voter

..... Co-operative Society Ltd., Island
..... U.T. of Lakshadweep Year of election.....(period in year).

Year of Election(period in year)

Name of the Candidate	Symbol allowed	Place of marking
(1)	(2)	(3)

FORM -14
(See Rule 47 Schedule I (29))

LIST OF CHALLENGED VOTES

Election to the Board of Management of..... Cooperative
Society Ltd No.....Island U.T. of Lakshadweep for the term

Number and name of Polling Station.....

Serial Number of entry	Name of elector	Sr. No. of part of voters list	Serial No. of elector's name in that voters list	Signature or thumb impression of the person challenged	Address of the person challenger	Name of identifier if any	Name of challeng er	Order of Presidi ng Officer	Signature of the Challenger on receiving refund of deposit
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Dated:

Signature of Presiding Officer

*Appropriate particulars of the Election to be inserted here.

FORM - 15**(See Rule 47 Schedule I (32))****DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR**

Election to the Board of Management of

Ltd No.Island, U.T of Lakshadweep

Sl. No. and Name of Polling Station

.....

I,Son of

AgedResident of *hereby declare
that

- (a) I have not acted as companion of any other elector at any polling station
today, the _____
- (b) I will keep secret the vote recorded by me on behalf of

Signature of companion

* Full address to be given

FORM - 16**(See Rule 47 Schedule I (32))****List of blind and infirm voters**

Election to the Board of Management of.....Cooperative e
Society Ltd No LMA.....Island, U.T of Lakshadweep

Name of the polling station.....

Part number & Serial No. of Elector	Full name of Elector	Full Name of Companion	Address of companion	Signature of companion
(1)	(2)	(3)	(4)	(5)

FORM - 17**(See Rule 47 Schedule I (34))****List of Tendered Votes**

Election to the Board of Management of.....Cooperative
 Society Ltd NoIsland, U.T of Lakshadweep and name of
 the polling station

Part number, Serial No. and name of Elector	Address of Elector	Serial No. of tendered ballot paper	Serial No. of ballot issued to the person who has already voted	Signature or thumb impression of person tendering vote
(1)	(2)	(3)	(4)	(5)

Signature of the Presiding Officer
 Booth No.

Form 18
(See Rule 47 Schedule I (37))

BALLOT PAPERS ACCOUNT

Election to the Board of Management of.....Cooperative
 Society Ltd NoIsland, U.T of Lakshadweep

Polling Station :

Booth No :

Date of Polling :

		Serial No		Total Nos
		From	To	
1.	Ballot Paper Received	:		
2.	Ballot Paper Unused			
	a) With signature of Presiding Officer	:		
	b) Without signature of Presiding Officer	:		
3.	Ballot paper used at the polling station			
	(1 – 2 = 3)	:		
4.	Ballot paper used at the polling station but not inserted in to the ballot box			
	a) Ballot paper used as tendered	:		
	b) Ballot paper cancelled for defects	:		
5.	Ballot paper to be found in the ballot box			
	(3 – 4 = 5)	:		

Signature of the Presiding Officer
 Booth No.

FORM - 19**(See Rule 47 Schedule I (37))**

(Voting by Electronic Voting Machine)

PART I- ACCOUNT OF VOTES RECORDED

Election to the Board of Management of.....Cooperative Society Ltd
 NoIsland, U.T of Lakshadweep and Name of Polling Station

Identification No. of Voting Control Unit.....

Machine used at the Polling Station Balloting Unit i. Balloting Unit _____
 ii. Control Unit _____

1.	Total No. of electors assigned to the Polling Station	
2.	Total No. of voters as entered in the Register for voters (Form.....)	
3.	No. of voters deciding not to record votes under Rule	
4.	No. of Voters not allowed to vote under Rule	
5.	Total No. of votes recorded as per voting machine	
6.	Whether the total No. of votes as shown against item 5 tallies with the total No. of voters as shown against item 2 minus No. of voters deciding not to record votes against item 3 minus No. of Voters as against item 4 (2-3-4) of any discrepancy noticed.	
7.	No. of Voters to whom tendered ballot papers were issued	
8.	No. of tendered ballot papers	
	Sl. No.	
	From	To
	(a) received for use
	(b) issued to electors
	(c) not used and returned.....

9.	Account of papers seals Sl. Nos. From _____ To _____		Signature of Polling Agents
(1)	Serial Numbers of paper seals supplied From _____ To _____		1.
(2)	Total Numbers supplied _____		2.
(3)	Number of paper seals use _____		3.
(4)	Number of unused paper seals returned to Returning Officer (Deduct item 3 from item 2)		4.
(5)	Serial Number of damaged paper seal if any		5.

Date: _____

Signature of Presiding Officer

Place: _____

Polling Station No.
 (Voting by Electronic Voting Machine)

(Voting by Electronic Voting Machine)

PART II - RESULT OF COUNTING

Sr. No.	Name of Candidate	No. of Voters recorded
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.	None Of the Above (NOTA)	
Total		

Place: _____

Date : _____

Signature of Counting Supervisor

Name of Candidate/election agent/counting agent

Full signature

1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

Place: _____

Date: _____

Signature of Returning Officer

FORM - 20
(See Rule 47 Schedule I (45,47))

Form of Result Sheet

Election to the members of committee/ board of directors
of.....Cooperative Society Ltd NoIsland,
U.T of Lakshadweep

Sr. No	Polling Station Name of Polling Station	No. of valid votes Cast in favour of the candidate	Number of		Total votes at polling station	No. of tendered votes
			Valid votes	Rejected votes		
1	2	3	4	5	6	7

Total Number of votes recorded at polling station(s)

Place:

Date:

Signature of Returning Officer

FORM - 21**See Rule 47 Schedule I (45,48))****Form of declaration of result and publication of names of members
of the Board of Directors**

The statement regarding the Election to the members of committee/Board
of directors of.....Cooperative Society Ltd No
.....Island, U.T of Lakshadweep for the term

Sl. No.	Member No.	Name of the Candidate	Number of votes received
1			
2			
3			
4			

Total Number of votes polled :

Total No. of valid votes :

Total No. of invalid votes :

Total No. of tendered votes :

Accordingly I hereby declare that the following candidates who scored
highest votes as duly elected as the directors for the termof the
(Name of the society)

Sl. No.	Member No.	Name of the Candidate
1		
2		
3		
4		
5		
6		

Returning Officer

FORM - 22

See Rule 47 Schedule I (48))
Declaration of Result of Election
(To be used when a seat is uncontested)

In pursuance of the provisions contained in Rule 47 in this schedule of the Lakshadweep Cooperative Societies Rules, 2023, I declare that;

Sl. No.	Member No.	Name of the Candidate and address
1		
2		
3		
4		

Has been duly elected to fill the seat from above mentioned Cooperative Society.....island, Union territory of Lakshadweep

Returning Officer

FORM - 23**See Rule 47 Schedule I (49))****Certificate of Election**

Election of directors to the members of committee/board of..... cooperative society..... Island, Union Territory of Lakshadweep for the term hereby certify that I have on day of..... 20.... Declared Shri/Smt/Kum.....to have been duly elected by to be the director from the said and that in a token thereof I have granted to him/ her this Certificate of Election.

Place :

Date :

Returning Officer

FORM - 24**See Rule 47 Schedule I (52))****Nomination for the election of office-bearers of.....
cooperative society**

- 1) Name of the candidate :
- 2) Serial number in the register of members :
- 3) Father's/Husband name of the candidate :
- 4) Address of the candidate :
- 5) Serial number of the candidates in the Voter list with member number :

6) Name and address of the proposers. :

SL. No.	Name.	Member number in voter list	Address	Signature
1.				

7) Name and address of the seconders.

SL. No.	Name.	Member number in voter list	Address	Signature.
1.				

DECLARATION BY THE CANDIDATE

I declare that I am willing to contest for election to the office of the chairperson / vice chairperson or any other office-bearer (specify) ofsociety and to the best of information furnished above is correct to my best of knowledge and belief.

- (a) That I have completed..... years of age.
- (b) That I am a Woman
- (c) That I am member ofclass/category
- (d) That I do not have any disqualification to be elected as director to the board of the cooperative Society under the Regulation, the Rules or the bye-laws.
- (e) That I do possess the requisite qualifications for being elected a director to the board of the Cooperative Society under the Regulation, the Rules or the bye-laws.

Date.....

Signature of the Candidate

(To be filled by Returning Officer)

This nomination was delivered to me at(hour) on.....(date)
by the candidate.....(Name)

Date:

Place:

Returning Officer

FORM - 25**See Rule 47 Schedule I (53))**

I, Shri./Smt. Son/daughter/wife ofaged
..... years resident of..... have been appointed/elected as the
member of the committee /Board of Directors as a Director of society for
the period

I have assumed office fromas.....

I declare today i.e. that I shall be jointly and severally
responsible for all the decisions taken by the Committee/Board of Directors during
its term, relating to the business of the society and shall be jointly and severally
responsible for all the acts and omissions detrimental to the interest of the society
which I have endorsed during the course of meeting of the Committee/Board of
Directors or otherwise and not specifically opposed it, as provided in Rule 47
Schedule I (53) of the Lakshadweep Cooperative Societies Rules, 2023.

Signature of member of Committee/Director

Signature of witness
(Secretary/Chief Executive Officer)

Seal of the
Society